

# The Commonwealth of Massachusetts

mir 261.7  
M41P  
1967  
A

EXECUTIVE DEPARTMENT

## ANNUAL REPORT

of the

## Massachusetts Commission Against Discrimination

January 1, 1963 to December 31, 1963



MILDRED H. MAHONEY, *Chairman*

RUTH M. BATSON, *Commissioner*

BEN G. SHAPIRO, *Commissioner*

MALCOLM C. WEBBER, *Commissioner*

WALTER H. NOLAN, *Executive Secretary*

41 Tremont Street  
Boston, Massachusetts

# CONTENTS

INTRODUCTION . . . . .	Page 3
ADDITIONS TO THE COMMISSION . . . . .	3
SUMMARY OF COMMISSION ACTIVITIES . . . . .	3
OPERATION OF THE LAW . . . . .	4
SCOPE OF THE LAW . . . . .	5
COMPLAINT HISTORIES . . . . .	10
Fair Housing . . . . .	10
Fair Employment . . . . .	11
Public Accommodations . . . . .	11
PUBLIC HEARINGS . . . . .	12
AGREEMENT REACHED BY THE MCAD—NAACP—CORE AND THE BOSTON HOUSING AUTHORITY . . . . .	13
HOUSING . . . . .	14
Housing Law of 1963 . . . . .	14
Public Housing Survey Statistics . . . . .	22
PRESENT LAWS AGAINST DISCRIMINATION AND THEIR ADMINISTRATION . . . . .	27
LEGISLATION RECOMMENDED BY THE COMMISSION . . . . .	28
COUNCIL ACTIVITIES . . . . .	29
LISTS OF COUNCIL MEMBERS . . . . .	32
REPRESENTATIVE SURVEYS SPONSORED BY MCAD . . . . .	37
STATISTICAL SUMMARY . . . . .	39

## INTRODUCTION

Housing is the most tense and sensitive area in which the Massachusetts Commission Against Discrimination operates. Because of this we are devoting a very major portion of this report to that subject.

It has proved a thorny problem, but we have been fortunate in having the assistance of many individuals and organizations.

The highlight of this year has been the passage of Senate Bill S-350 now Chapter 197 of the Acts of 1963. This extension of already existing housing laws, which have been referred to as the most powerful in the country, adds greatly to that power and coverage. It eliminates weaknesses in the previous laws and covers all housing accommodations with the exception of owner-occupied two-family buildings.

The sequence of housing laws shows a steady increase in the jurisdiction assigned to the Commission by the Legislature. The Commission progressed from laws pertaining to public housing, to housing wholly or partially supported by public money, to housing which might be entirely privately financed and then in 1963 to this inclusive law which covers all housing offered to the public for sale or rental with the exception of the two family house in which the owner lives in one part.

During a test case in 1962 in a decision by the Massachusetts Supreme Judicial Court the following statement was made:

"... neither property rights nor contract rights are absolute; for the government cannot exist if the citizen may, at his will, use his property to the detriment of his fellows or exercise his freedom of contract to work them harm. Equally fundamental with the private right is that of the public to regulate it in the common interest."

This decision, basically, has been the belief held throughout the 18 year history of the Commission.

Great progress has been made in the struggle against discrimination. This new housing law will do much toward eliminating a painful process for many persons in the Commonwealth.

But no law can do this job alone. The problem can be greatly helped by law, but it is both a legal and moral problem and the community as a whole must realize its importance and cooperate in its solution.

## ADDITIONS TO THE COMMISSION

This year important changes have been made in the Commission. The number of Commissioners has been increased from three to four with the appointment by Governor Peabody on December 4, 1963, of Mrs. Ruth M. Batson who succeeds Mr. Chester N. Gibbs, and Mr. Malcolm C. Webber. The terms of Commission members has also been increased from three to four years.

Commissioner Webber is to be in charge of the newly created Springfield office which will have as its special responsibility the Western part of the State from Springfield where it is located and through the Berkshire County Area.

There has also been established a new position of Director of Research. As yet no appointment has been made to that position.

## SUMMARY OF COMMISSION ACTIVITIES

The eighteenth annual report includes the period from 1 January 1963 to 31 December 1963.

The Commission had before it for resolution 359 matters involving discrimination based on race, color, religious creed, national origin, age or ancestry in the field of employment and discrimination based on race, color, creed, or national origin in housing, places of public accommodations and admissions to educational institutions.

Staff members of the Commission interviewed 495 employers throughout the Commonwealth. As part of the interview the employer was acquainted with the provisions of the fair practices statute and his obligation under them. In addition, the employer was briefed on the Commission's ruling and interpretation of the law.

A review of the application for employment form used by the employer as well as his hiring policies was made in each instance. The official poster of the Commission (Form CAD-5) was placed on display in a conspicuous place on the premises as required by law.

Of the 495 employers interviewed 108 were found to be using employment application forms which did not conform to the law. Nineteen employers inquired into and recorded the national origin of the applicant. The remaining employers, eighty-nine in number, made pre-employment inquiries into the age of the applicant. All violations were eliminated and revised employment application forms put into use.

The advertising material used by hotels, motels, guest houses and tourist homes were screened for possible violations of the Public Accommodations statute, chapter 272, section 92A of the General Laws. 1,153 advertising brochures were screened at the beginning of the 1963 vacation season. Not one violation was found.

A study of the tenant selection program and policy of twenty-seven Public Housing Authorities was made to determine the requirement of equal opportunity for public housing regardless of the applicants' race, color, creed, or religion. One Public Housing Authority was found to be recording the race of applicants. The authority was notified to end the practice forthwith and immediately did so.

As part of the study the number and names of the completed housing developments within each Authority's control and management were recorded as well as the number of units contemplated being built within the ensuing year. All forms and records made out by and for applicants for housing were examined and lastly, the census figures of the non-white population in each development was obtained. These figures are reported in the section of this report entitled, Public Housing Survey Statistics.

Commission staff members surveyed thirty-eight new private housing developments in twenty communities within the Commonwealth. Real estate brokers and the builders were informed of the provisions of the fair housing statute.

In the Pittsfield area a survey of the hiring policy and employment pattern was made of 216 employers.

The admissions policy of twenty-seven Springfield Nursing Homes was studied with no apparent unlawful discriminatory practices revealed.

Seven newly chartered educational institutions opened during 1963. The officials especially the admissions officers, were instructed in the provisions of the fair educational practices law.

Through the cooperation of the Board of Registration of Real Estate Brokers and Salesmen, 35 thousand copies of the Commission pamphlet, "A Guide To The Fair Housing Law" are being distributed at the rate of 2,000 per month. A guide is mailed out with each license renewal.

1,146 persons visited the office of the Commission to make inquiries concerning their rights or obligations under the provisions of the civil rights statutes.

The Commission members and staff conducted forty-four conferences and addressed fifty-five business, civic and social organizations.

As a public service on behalf of the Commission there was displayed 500 car cards on the vehicles operated by the Metropolitan Transit Authority. The car cards were displayed as part of a program to alert the public to its rights under the Fair Housing Practices Act.

## OPERATION OF THE LAW

### 1. *Enforcing the Law*

When a complaint is brought by an individual or his attorney, it is assigned to a commissioner who, with the assistance of the staff, conducts an investigation to determine whether probable cause exists for crediting the statements appearing in the complaint. If probable cause is found to exist, the investigating commissioner endeavors to eliminate the unlawful practice complained of by conference, conciliation and persuasion, that is, through frank discussion with the parties concerned. If necessary, the Commission has the power to subpoena. If the matter cannot be settled in the conference period it is referred to the other two commissioners for a hearing which is public. After such a hearing the Commission may issue orders which may be carried out by the Superior Court.



## 2. *Investigations*

An investigation deals with a situation which does not begin with a formal complaint from an individual, but it must relate to instances where trouble is manifest and can be traced to the factors of race, religious creed, national origin, age or ancestry and so is of concern to the Commission and community. The Commission recognizes what it considers to be a danger signal and tries to straighten out the matter in a cooperative manner. The information which triggers the investigation may come from a reputable source or agency or may be an incident involving an organization exempted from the provisions of the statutes. Under such circumstances the Commission invites people to a conference in an attempt to resolve the situation.

## 3. *Education*

The educational program attempts through Council activities, distribution of the Unit of Study, "Discrimination — Danger to Democracy," conferences, speeches, surveys and the distribution of printed material to acquaint the general community with the work of the Commission to the end that public understanding, sympathy and support may be stimulated and the services given by the Commission may be made clear.

### SCOPE OF THE LAW

The following is a list of the questions the Commission is most frequently asked concerning the scope of the law. It hopes the answers will serve to inform the inhabitants of the Commonwealth of Massachusetts of their rights, privileges and duties under the various sections of the law:

**What is the Purpose of the Fair Employment Practice Law?**

Its purpose is to prevent and eliminate practices of discrimination in employment because of race, color, religious creed, national origin, age or ancestry.

**When Did the Law Go Into Effect?**

August 21, 1946.

**Who Administers the Law?**

Four Commissioners, appointed by the Governor.

**What Is the Commission Empowered to Do?**

It is empowered to receive, investigate and pass upon complaints alleging discrimination in employment because of race, color, religious creed, national origin, age or ancestry; to hold hearings and subpoena witnesses.

**Does the Fair Employment Practice Law Apply Only to Hiring?**

No, it applies also to discharge, transfer, promotion, terms and privileges of employment, including unfair working conditions such as separation of facilities and segregation in employment.

**Are All Employers Subject to the Law?**

All employers with six or more employees, including the state and local governments, are subject to the law. The law does not apply to clubs which are exclusively social or to fraternal, charitable, educational or religious associations which are not organized for private profit; nor does the law apply to any individual employed by his parents, spouse or children or engaged in domestic service.

**How Does the Law Effect Employment Agencies?**

It is unlawful for an employment agency:

1. To ask questions before employment or to make any statement to a prospective employer concerning the race, color, religious creed, national origin, age or ancestry of an applicant.
2. To place advertisements for help or use application blanks which directly or indirectly express any limitation upon employment because of race, color, religious creed, national origin, age or ancestry of an applicant.
3. To accept or process job orders from employers which limit or specify the race, color, religious creed, national origin, age or ancestry of an applicant.

## What Questions May Not Be Asked of an Applicant for Employment?

Questions may not be asked concerning:

Birthplace or that of relatives.

Religious creed.

Color or complexion.

Lineage or national origin.

Places of residence of relatives of the applicant or their places of business outside of the United States.

Military experience in the service of a foreign country.

Organizations of which the applicant is a member if their names indicate religion, race, national origin or ancestry.

Age.

Citizenship, which would indicate whether the applicant is naturalized or native-born; but the applicant may be asked if he is a citizen.

## May an Applicant Be Asked to Produce Military Discharge Papers, Naturalization Papers or a Birth Certificate Prior to Employment?

No

## May a Photograph Be Required Prior to Employment?

No.

## Does the Law Tell an Employer Whom to Hire?

No, but it does declare it to be unlawful for an employer to refuse to employ, or to discharge from employment any individual because of race, color, religious creed, national origin, age or ancestry. It does not restrict an employer from establishing occupational qualifications provided that they are applied equally to all persons.

## May Job Qualifications Include Personality and Appearance?

Yes, depending on the job. But appearance cannot include color or racial characteristics.

## Suppose an Employer Is Willing to Hire Qualified Minority Group Workers But Cannot Because of Discriminatory Labor Union Practice?

Complaints may be filed against labor organizations, since these organizations are subject to the Fair Employment Practice Law, when persons are denied full membership rights because of race, color, religious creed, national origin, age or ancestry.

## Suppose an Employer Desires to Hire Qualified Minority Group Members But Fears an Unfavorable Reaction From His Other Employees?

A clear stand by the employer indicating that he intends to comply with the law and hire the most qualified workers regardless of their race, color, religious creed, national origin, age or ancestry will usually suffice. However, the provisions of the Fair Employment Practice Law can also be invoked against employees attempting to obstruct the purposes of the law.

## Does the Fair Employment Practices Law Give Minority Group Members Any Special Privileges In Obtaining Employment?

No, the purpose of the law is to afford all persons equal opportunities in employment regardless of race, color, religious creed, national origin, age or ancestry with the qualifications of the applicants being the sole test in selecting employees.

## If I File a Complaint Against My Employer, Might This Action Cause Me to Lose My Job Or to Be Otherwise Discriminated Against By Him?

No, the law makes it a violation to discharge, expel or otherwise discriminate against any person because he has filed a complaint.

## How Does the Law Affect Employees On the Job?

It requires that wages, hours, use of rest room and restaurant facilities, etc., be afforded equally to all employees regardless of race, color, religious creed, national origin, age or ancestry.

### Who May File a Complaint With the Commission?

Any person claiming to be aggrieved because of an alleged unlawful practice; the Attorney General of the Commonwealth; an employer when his employees, or some of them, refuse or threaten to refuse to comply with the provisions of the law. The Commission itself may file a complaint whenever it has reason to believe any person has been or is engaging in an unlawful practice.

### What Is Meant By "An Aggrieved Person"?

An aggrieved person is one who believes that his legal rights have been invaded because of discrimination in employment, education, public accommodations or housing.

### How May a Complaint Be Filed?

Anyone wishing to file a complaint on charges of discrimination because of race, color, religious creed, national origin, age or ancestry must make a complaint in person or in writing which must be notarized. Upon request the staff of the Commission will assist a person in recording a complaint.

### Where Should a Complaint Be Filed?

At the offices of the Massachusetts Commission Against Discrimination, 41 Tremont Street, Boston or at the Springfield office of the Commission 1570 Main Street, Springfield.

### Is There Any Time Limit For the Filing Of a Complaint?

Yes, a complaint must be filed within six months after alleged act of discrimination.

### What Happens To a Complaint After It Is Filed?

It is assigned to a commissioner who, with the assistance of the staff, conducts an investigation to determine whether probable cause exists for crediting the statements appearing in the complaint.

### What Does "Probable Cause" Mean?

That there is credible evidence warranting a belief that discrimination may have been practiced.

### If Probable Cause Is Found to Exist, What Then?

The Investigating Commissioner endeavors to eliminate the unlawful practice complained of by conference, conciliation and persuasion, that is, through frank discussion with the parties concerned.

### If Conference, Conciliation and Persuasion Prove Unsuccessful, What Further Steps May Be Taken?

A formal hearing may then be ordered before the other three Commissioners. The Investigating Commissioner can now appear only as a witness, and the testimony taken at this hearing shall be under oath.

### How Is a Final Order of the Commission Enforced?

The Commission may obtain in the Superior Court an order for the enforcement of its decision.

### Was the Massachusetts Commission Against Discrimination Always Known By This Name?

No. From 1946 to 1950 the Commission was known as the Fair Employment Practice Commission.

### Why Was the Name of the Commission Changed in 1950?

The name of the Commission was changed because of certain amendments which increased the duties of the Commission and broadened the scope of the original law.

### What Were These Amendments to the Original Fair Employment Practice Law?

The amendments were three in number:

1. The age amendment;
2. The public accommodations amendment;
3. The public housing amendment.



### What Is the Age Amendment?

The age amendment prohibits discrimination in employment solely because of age. Age is defined in the law as being between the 45th and 65th birthday.

### What Is the Public Accommodations Amendment?

This amendment prohibits the making of any distinction, discrimination or restriction on account of religion, color, national origin or race relative to the admission of any person to, or his treatment in, any place of public accommodation, resort or amusement.

### What Is the Private Housing Amendment?

This amendment provides that there shall be no discrimination nor segregation in public housing because of race, color, creed, or religion.

### Must There Be an Official Notice of the Commission Posted on the Premises?

Yes. Every employer, employment agency, real estate agency, rental office and labor union subject to this law shall post in a conspicuous place or places on his premises a notice prepared by the Commission and called the Summary of the Law, which sets forth excerpts of the law and such other relevant information which the Commission deems necessary to explain the law.

Any employer, employment agency, real estate agency, rental office or labor union refusing to comply with the provisions of this section shall be punished by a fine of not less than \$10.00 nor more than \$100.00.

### Is There a Regulation Concerning the Display of an Official Poster In a Place Of Public Accommodation?

At a public hearing held on May 21, 1959 the Commission adopted a regulation ordering all places of public accommodations to display conspicuously a Public Accommodations poster.

### Has There Been Any Added Jurisdiction Given the MCAD Since the Amendments of 1950?

Yes. In 1955 the Fair Employment Practice Act was amended. In 1956 the administration of the Fair Educational Practices Law was transferred from the Department of Education to the MCAD. In 1957 the Publicly Assisted Housing Law was enacted. In 1959 the Private Housing Law was passed.

### What Does the 1955 Amendment Provide?

No person engaged in insurance or the bonding business may make inquiry or record of any information relating to the race, color, religious creed, national origin or ancestry of a person to be bonded.

### What Does the Fair Educational Practices Law Cover?

It covers all educational institutions in the state with the possible exception of religious institutions, and then only in regard to religion.

### What Does It Declare?

It declares the policy of the Commonwealth to be the American ideal of equality of opportunity requiring that students, otherwise qualified, be admitted to educational institutions without regard to race, color, religion or national origin.

Note: Following statements in small print have been superseded by the provisions of the Fair Housing Amendment of 1963 as embodied in Chapter 197 of the Acts of 1963. This amendment extended the scope of the law to include all housing accommodations except an owner-occupied, two-family dwelling.

### What Is The Purpose of the Publicly Assisted Housing Law?

The prevention and elimination of discrimination because of race, creed, color or national origin in the sale, rental or lease of private housing accommodations which are publicly assisted.

### What Are Some Examples of Housing Which is Publicly Assisted?

1. Housing which is tax exempt in whole or in part.
2. Housing constructed under urban renewal programs.
3. Housing accommodations located in a multiple dwelling insured by the Federal Housing Administration or some other agency of the Federal or State Government.
4. Housing accommodations located in a development of ten or more contiguous units, the construction of which has been insured by a governmental agency or which are offered for sale under the FHA or VA mortgage insurance programs.



### What Is A Multiple Dwelling?

A dwelling which is occupied as the residence or home of three or more families living independently of each other.

### Is There a Later Amendment Concerning Housing?

Yes. Chapter 239 of the Legislative Acts of 1959 broadened the scope of existing legislation in that the law now covers private housing consisting of multiple dwellings of three or more or ten or more houses contiguously located.

### What Types of Housing Are Covered By The New Law?

The following types of private housing are covered: apartment houses, housing developments consisting of ten or more houses and single houses if the house has been built on "one of ten or more lots of a tract whose plan has been submitted to a planning board as required by THE SUBDIVISION CONTROL LAW."

### What Is An Unfair Practice Under the Law?

An unfair practice is:

- to refuse to rent, lease or sell to any person or group of persons because of race, creed, color or national origin housing covered by the law;
- to discriminate against any person because of his race, creed, color or national origin in the terms, conditions or privileges of such housing or in the furnishing of facilities or services in connection therewith; or
- to cause to be made any written or oral inquiry or record concerning the race, creed, color or national origin of a person seeking to buy, rent or lease any such housing.

### What Is the Attorney General's Ruling Concerning Real Estate Agencies?

On November 24, 1959 Attorney General Edward J. McCormack, Jr. ruled that real estate agencies are places of public accommodation and are subject to the provisions of Chapter 272, Section 98 of the General Laws.

### What Constitutes a Violation By a Real Estate Agency?

The ruling declared that it is a violation for a real estate agency to refuse to offer its services to any person or to refuse to accommodate any person as a client because of race, creed, color or national origin.

### Are Licensed Real Estate Brokers Subject to the Provisions of the Fair Housing Law?

Yes. Chapter 128 of the Legislative Acts of 1961 amended General Laws Chapter 151B, section 4, subsection 6 to include licensed real estate brokers.

### Who Are Prohibited From Employing Unfair Practices Under the Law?

Owners, lessees, sublessees, licensed real estate brokers, assignees or managing agents or other persons having the right of ownership or possession of right to rent or lease, or sell, or negotiate for the sale of the housing accommodations or any agent or employee of such persons.

ON PAGE 19 YOU WILL FIND CHAPTER 197 OF THE ACTS OF 1963 WHICH INCLUDES AND GREATLY INCREASES THE SCOPE OF FAIR HOUSING. ON PAGE 20 YOU WILL ALSO NOTE THE "GUIDE" TO CHAPTER 197 OF THE ACTS OF 1963.

### What Is the Amendment Concerning Mortgage Loans?

Chapter 151B, section 4, subsection 3B of the General Laws, as amended by Chapter 163 of the Legislative Acts of 1960, prohibits any person engaged in the business of granting mortgage loans to discriminate against any person in the granting of any mortgage loan, including but not limited to the interest rate, terms or duration of such mortgage loan, because of his race, color, religious creed, national origin, or ancestry.

### Can the Commission Obtain Injunctive Relief Restraining the Sale, Rental or Lease of the Housing Accommodation Involved in a Complaint Before It?

Yes. Chapter 570 of the Legislative Acts of 1961 amended Chapter 151B, section 5 of the General Laws to outline the procedure to be taken by an individual commissioner to petition the Courts for a restraining order which will provide injunctive relief. Such an injunction can only be issued by the Court.

### When May the Court Be Petitioned to Grant Such a Restraining Order?

As soon as a determination of probable cause has been made that the allegations of the complaint have been substantiated.

### Provided Injunctive Relief Is Granted How Does This Help the Complainant?

The owner of the housing accommodations is restrained from renting, leasing or selling the housing accommodations to any other than the complainant pending the final determination of the Commission in the matter.

### What Additional Duties Are Given the Commission?

It is given the power to create advisory agencies and conciliation councils and as is stated in the Law:

"The Commission may empower them to study the problem of discrimination in order to foster through community effort . . . good will, cooperation and conciliation among the groups and elements of the population of the Commonwealth . . . and make recommendations to the Commission for the development of policies . . . and for programs of formal and informal education which the Commission may recommend to the appropriate state agency."

## COMPLAINT HISTORIES

### Fair Housing

The following is an account of a complaint which was given a great deal of publicity due to a picket line being set in the Town in which the incident took place.

On Thursday morning, 29 August 1963, at approximately 11:00 A.M., the Executive Secretary to the Commission received a telephone call from a member of a local fair housing committee informing him of an alleged violation of the housing section of the fair practices statute.

The fair housing committeeman reported that a Foreign Affairs officer, employed by the State Department, and recently returned from Africa, had been denied the rental of a house because of his color. He had been told that the housing accommodation had been rented although a white couple, testing the situation, were told, subsequent to his inquiry, that the house was available and had not been rented.

The aggrieved party was in Washington, D. C., at the time of the above referenced telephone call and would not be available to make out a verified complaint. It was feared that before the State Department officer could return the housing accommodations would be rented. The question was then posed, what could the Commission do?

The committeeman was advised to prepare an affidavit to include his direct knowledge of the incident, for he was one of the testers.

At about 3:00 P.M., the same day the affidavit was brought to the Commission office.

It is Commission policy that no one Commissioner can initiate a complaint in the name of the Commission, it may only be done by a majority vote.

One Commissioner was present in the office of the Commission and his vote was obtained.

A telephone call was made to another Commissioner who gave his vote after the contents were read to him.

A complaint was initiated in the name of the Commission and docketed. The Investigating Commissioner was named and a field representative assigned to investigate the allegations of the affidavit.

On Friday morning, 30 August 1963, the field representative reported that the respondent was out of the state and would not return until after Labor Day.

A telegram was sent to the respondent making known that the field representative would be at his place of business on Tuesday, 3 September 1963, at 9:00 A.M., to investigate an alleged violation of the fair practices statute.

On Tuesday, 3 September 1963, at about 10:00 A.M., the field representative reported that respondent had not kept the appointment and that a respondent employee had professed to have no knowledge of the whereabouts of his employer.

At approximately 11:00 A.M., another member of the same local fair housing committee called the Commission and reported seeing respondent's car in town.

The Executive Secretary conferred with the Investigating Commissioner and was instructed to issue a subpoena for respondent's appearance in the Commission office on Thursday, 5 September 1963, at 11:00 A.M.

Respondent and his attorney answered the summons and presented a lease signed by another party.

Further investigation revealed that the individual who had signed the lease was employed by one of respondent's sub-contractors and that his weekly salary was believed not to be sufficient to carry the rental of this particular housing accommodation.

The Investigating Commissioner found probable cause and began his endeavors to conciliate the matter.

Respondent's attorney asked for a continuance until the following morning.

On Friday, 6 September 1963, at 10:00 A.M., the respondent and his legal counsel conferred with Investigating Commissioner and agreed to rent the housing accommo-

dation to the State Department employee who was not scheduled to return to Massachusetts until the following day.

A standard lease form was obtained from a near-by stationers store, filled out by respondent, and turned over to the Commission, who in turn saw to it that the aggrieved party signed it the following day.

The State Department employee and his family moved into the housing accommodation the following week and at last accounts has made many friends among his neighbors. (Complaint No. PrH V-59-C)

## Fair Employment

On 29 July 1963, a woman filed a complaint, alleging unlawful discrimination in employment, based on color.

The day previous, on a Sunday, complainant had observed a classified help-wanted advertisement which read as follows: "Factory—Women who are mechanically inclined and like to work on machines. . . . Do not phone, please—shifts 3 to 11 p.m. and 11 to 7 p.m."

Complainant was the first one to apply at the particular factory. She recognized it as a factory to which she had applied previously. The advertisement had carried no name only a street address.

Complainant was interviewed by the personnel manager who was the same individual with whom she had talked on a previous occasion in March 1963. He requested that she fill out an application form and informed her that she would be called.

The next person to see the personnel manager was white. She did not come back from her interview.

The next applicant was colored. She reported receiving the same statements as complainant, that respondent would call.

The next applicant was also colored. She returned to the waiting room and reported receiving the same information.

The fourth applicant was white. She did not return to the waiting room.

Complainant alleged that respondent frequently advertised for help. This was her second response to the respondent's help wanted advertisement. She, therefore, believed that she had been denied employment because of her color and so charged.

Investigation revealed that complainant was not given equal consideration each time she had applied.

Respondent, when apprised of the complaint, followed through on a reference check and reported a previous employer would not recommend rehiring complainant for his plant.

Further investigation revealed that the bad reference from the previous employer was motivated by an exercise of an individual's prejudice against colored and when brought to the attention of management immediate correction was made.

Respondent agreed to re-interview which resulted in an offer of employment. (Complaint No. XVIII-50-C)

## Public Accommodations

On 24 October 1963 complainant, a Negro, alleged that he entered a down-town Boston barber shop for the purpose of obtaining a haircut. The time was approximately 12:20 P.M.

According to the complainant all of the barbers were busy so he took a chair to wait his turn. As he seated himself one of the barbers approached and asked if he had an appointment. When he answered in the negative he was told that haircuts were given only by appointment and that all of the barbers were pretty well booked up.

Complainant left but returned shortly thereafter and asked for an appointment. He was told that the earliest appointment would be for the following afternoon, at 3:30 P.M., and only if there had been a cancellation.

After leaving the barber shop for the second time complainant met a Caucasian friend of his, who, upon hearing the details of the incident, entered the barber shop. The three barbers were busy but after asking when he could obtain a haircut he was told to return after lunch. This was approximately ten minutes after the complainant had been told that the barbers were all booked up.



Complainant, therefore charged respondent with unequal treatment and denial of service because of color in a place of public accommodations.

The investigation substantiated the allegations contained in the complaint.

The matter was satisfactorily adjusted by the respondent sending a letter of apology to the complainant; inviting him to avail himself of the services of the establishment; submitting a statement of policy of conformance with the provisions of the public accommodations statute, and displaying a public accommodations poster in a conspicuous place on the premises. (Complaint No. PXIII-23-C)

## PUBLIC HEARINGS

There were three public hearings held during 1963 and each involved the matter of denial of housing accommodations because of the color of the applicants.

The third hearing resulted in a cease and desist order as well as an order to rent the housing accommodation to the complainant.

Two of the complaints involved the same respondent and are presently before the Suffolk County Superior Court for enforcement of the Final Order of the Commission. The Commission order follows.

The Finding of Fact, Conclusions of Law and Order of the Commission which is reproduced below is before the Courts for enforcement:

### COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION on relation of  
ALMA WILLIAMS, *Complainant*

vs.

GEORGE B. WATTENDORF, *Respondent*

(Executive Department Findings of Fact Conclusions of Law Order PrH-V-75-C)

This cause came on for hearing before Presiding Hearing Chairman Mildred H. Mahoney and Commissioner Chester N. Gibbs, who, upon consideration of all the evidence, set forth their findings, conclusions, and orders as follows:

#### *Findings of Fact*

1. Complainant is a Negro and resident of the City of Boston.
2. The respondent is in the real estate business in Boston. In connection therewith, he rents, leases, and negotiates for rentals and leases for apartments in buildings in the City of Boston.
3. The respondent operates his business out of several offices, one of which is located at 544 Washington Street, Dorchester, and is open to and solicits business from the public.
4. The respondent at all times material hereto employed persons to conduct respondent's business for him and on his behalf from said office on Washington Street.
5. On September 20, 1963, complainant, by appointment, went to respondent's said office for the purpose of viewing apartments which respondent was offering for rent. Respondent knew at this time that complainant desired an apartment for a rental in the range of \$70 a month. Respondent at this time did not know the source of complainant's income. One of respondent's employees showed complainant an apartment in an area composed substantially of all Negroes at a rental of \$50 a month, unheated. Said employee told complainant that there were no other apartments available at that time. Said apartment at that time, was not fit for habitation. White applicants to respondent for comparable apartments were discouraged from viewing said apartment. At said time respondent was offering at least one other apartment in an area the composition of which was not principally Negro, and which, although at a slightly higher rental, was within a range which respondent's employee would ordinarily show to an applicant looking for an apartment for a rental of \$70 per month. Such apartment in other respects fulfilled the requirements for an apartment of complainant. Had complainant not been Negro, respondent's employee would have shown such apartment to complainant.

The following conclusions are set forth:

(1) The respondent had the right to rent or lease housing accommodations in multiple dwellings within the meaning of G. L. c. 151B.

(2) Respondent's agents refused to extend the same services to the complainant as were available to others, solely on account of complainant's color, in violation of said chapter 151B.

(3) Respondent is responsible for such unlawful acts of said agents.

(4) The orders herein made will effectuate the purposes of said chapter 151B.

On the basis of the foregoing, and pursuant to G. L. c. 151B, s. 5, it is hereby

**ORDERED** by the Massachusetts Commission Against Discrimination that the respondent, George B. Wattendorf, his agents and servants:

1. Cease and desist and in the future refrain from making any inquiry, distinction, discrimination or restriction on account of religion, color, race, national origin or ancestry in the conduct of any phase of the respondent's business.

2. To order all persons who act for or in behalf of the respondent to cease and desist and in the future refrain from making any such distinction, discrimination or restriction.

3. To send this Commission on or before the fifth day of each month subsequent hereto for twelve successive months a report, which shall state, for the next proceeding month:

(a) The number, location and size by rooms of each apartment which became or was available for rental during said month and which respondent had a right to lease or show to prospective tenants; and the date upon which such apartment became so available.

(b) The name and stated requirements of each Negro who requested or used the services of respondent and the date or dates on which such services were used or requested during such month to the extent observable or given; but the foregoing shall not authorize the making of any inquiry prohibited by orders 1 and 2 above.

(c) A list of any apartments which were shown or offered to be shown to each such Negro during said month, and what, if any, such apartment was leased by such Negro.

(d) To show to complainant, on request, all apartments which respondent has available to show applicants for rental, for a rent up to \$75 per month, heated, and to admit complainant as tenant in any such apartment of her choice, all on the same basis, terms and conditions as appertain to other applicants therefore.

Dated at Boston this 17th day of December 1963.

MILDRED H. MAHONEY, *Chairman*

CHESTER N. GIBBS, *Commissioner*

## **AGREEMENT REACHED BY THE MCAD—NAACP—CORE AND THE BOSTON HOUSING AUTHORITY**

The following statement sums up an agreement reached after a thorough and lengthy investigation. The complaint against the Boston Housing Authority was brought to the MCAD by the Boston Chapter of the NAACP. The resulting case is still not officially closed because it is being held open until the provisions of settlement have become accomplished facts. The following agreement, however, in itself is most worthy of reporting as a major accomplishment in 1963.

**STATEMENT OF BEN G. SHAPIRO, INVESTIGATING COMMISSIONER**

**ON THE OCCASION OF THE SIGNING OF THE AGREEMENT**

**BETWEEN MR. SHAPIRO, NAACP, CORE & BOSTON HOUSING AUTHORITY**

The execution of this agreement with the Boston Housing Authority has reconfirmed the wisdom of the Legislature in regarding conciliation as the most appropriate initial means of resolving the problems of race relationships, which face the community. This case clearly demonstrates the advantage enjoyed by a solution reached through mutual concern, understanding, and effort over a decision imposed upon one or both parties by the Courts. It has now been more than a year since the allegations of segregation in public housing in Boston first were presented to me officially. During that time, many people had pressured me to send the matter to public hearing. I

resisted such pressure, not because of any doubts of sincerity of the persons involved, but because of my convictions that all the parties truly wanted to arrive at an equitable solution to the most difficult problems, and would inevitably reach such a solution. Accordingly, I insisted that discussion not be abandoned until a definite impasse had been reached. This course, in my judgment, effectuates the purpose of the Legislature, and the agreement signed today vindicates the wisdom of that purpose.

The ultimate agreement places the primary responsibility for attaining racially integrated public housing where it belongs—on the Administrators who are most knowledgeable in the field of public housing. The Administrators will be assisted in this task by an advisory board of concerned community leaders.

The solution which evolved during these negotiations enjoys the support of all who participated. Its chances for successful implementation are enhanced by the fact that it has from its inception the freely given mutual consent of the parties most directly concerned with the problems involved. The conciliatory process recognizes and utilizes the common interest of such diverse groups in solving community problems. The exact focal point of the various groups certainly differs, as is fitting in a large community with complex problems requiring a division of labor. Yet, the ultimate aim of each group, whether immediately concerned with fighting discrimination or providing public housing, is to make the Commonwealth a better place in which to live.

The Agreement deserves careful reading by all persons interested in the problems of race relationships in public housing. It was an Agreement reached without any undue pressure. We believe that the Agreement was the first of its kind in the nation and trust that it will serve as a model to be used by others with similar problems.

It is fitting at this time to express a note of thanks to those without whose assistance this Agreement could not have come about. Primarily, of course, we are forever in the debt of those farsighted statesmen whose labors brought the Commission into being and sustained it. Then of course, I want personally to thank the representatives of the Housing Authority, the NAACP and CORE who at all times labored with sincerity and conviction to bring about an equitable solution to the problems. We owe an incalculable debt of gratitude to the Attorney General, and to his assistant Lee H. Kozol, Chief of the Division of Civil Rights and Civil Liberties, who assisted me in the negotiations and preparation of this Agreement.

Finally, it is my hope that the execution of this Agreement will demonstrate to all the citizens of the Commonwealth that they should bring their grievances to the Commission which is the legal arm of the Commonwealth empowered by law to deal with all matters concerning racial and religious discrimination.

## HOUSING LAW OF 1963

An exciting achievement in 1963 was the passage of a most inclusive housing law. Massachusetts was the first state to so widen the coverage of housing accommodations. The Commission was greatly assisted by members of its Advisory Council on Housing and most particularly by the study made of existing laws by Mr. Alfred W. Halper a member of the Steering Committee of the Advisory Council on Housing. Because the extension of housing coverage is spreading throughout the country it seems of value to give a full history of how it developed and succeeded in Massachusetts.

In November, 1962, the following was compiled:

### BRIEF SUMMARY AND LEGISLATIVE HISTORY OF ANTI-DISCRIMINATION LAWS IN THE HOUSING FIELD

In 1950 discriminatory practice was outlawed in public housing.

In 1957 discrimination was made illegal in publicly assisted housing accommodations. These accommodations fall into four basic categories.

1. Housing built after July 1, 1950 on land acquired or sold below cost by the Commonwealth or any of its political subdivisions, or favored with public funds or tax exemption.
2. Apartment houses, if financed by a Federal Government, insured or guaranteed loan AFTER October 1, 1957, but only during the life of such loan.
3. Housing which is part of ten or more contiguously located housing, sold, leased or rented by a PERSON IN THE REAL ESTATE BUSINESS, if such housing was financed by or favored with a commitment for a federal government



insured loan AFTER October 1, 1957, but only during the *life* of such loan or such commitment. There is grave doubt that a resale by a home owner comes under this law.

4. Multiple dwellings with three or more families.
- In 1959, the law was extended to include housing in two additional classifications.
1. Housing which is part of ten or more contiguously located housing sold, leased or rented by a person in the real estate business. (This change eliminated the condition related to government insurance or guarantee.) This change did not, however, include resales of such housing by home owners.
  2. Housing which is part of ten or more lots shown on a plan which has been submitted to a planning board as required by the Subdivision Control Law. Resales of housing in this category *do* come under the law.

### WHY OUR FAIR HOUSING LAW SHOULD BE REVISED TO INCLUDE WIDER COVERAGE

The Colangelo case, so called has cleared the way for broad coverage. It would seem to appear that the general principles expressed by the Court and its findings would indicate that anti-discrimination legislation may lawfully be applied to all private property.

"It is only when a legislative finding cannot be supported upon any rational basis of fact that reasonably can be conceived to sustain it that a Court is empowered to strike it down." "If the question is fairly debatable, Courts cannot substitute their judgment for that of the Legislature."

With respect to Colangelo's major argument that there has been an invasion of his rights in property, the Court quotes the established principle that "neither property rights nor contract rights are absolute; for the government cannot exist if the citizen may at his will use his property to the detriment of his fellows, or exercise his freedom of contract to work them harm. Equally fundamental with the private right is that of the public to regulate it in the common interest."

The Court quoted the provision in the Constitution of the Commonwealth which confers upon the General Court "full power and authority . . . to make, ordain, and establish, all manner of wholesome and reasonable . . . laws, statutes . . . so as the same be not repugnant or contrary to the constitution, as they shall judge to be for the good and welfare of this Commonwealth . . ."

Article 1 of the Declaration of Rights defines as one of the "natural essential, and unalienable rights . . . that of acquiring, possessing and protecting property."

Justice Spiegel, in a minority decision, held that, "when a person acts so as to create a 'second class' of citizens, then the injunctive provisions of the law to prevent a recurrence of such classification should be applied to the fullest extent."

### THERE ARE TOO MANY EXCLUSIONS IN THE PRESENT LAW

Under the Fair Housing Law, the number of persons who may unlawfully discriminate outnumber by far the persons who may not discriminate in the single and two family housing area.

The number of home owners who may not discriminate represent a very tiny segment of the housing market.

All homes built prior to January 1, 1954 unless government insured or guaranteed after October 1, 1957 with such loan still outstanding are excluded when sold by an individual home owner.

All homes built after January 1, 1954 and currently being built today without the benefit of financing, insured or guaranteed by the government, are excluded when resold by home owners.

The fact is that in 180 towns and cities of a total of 351, more than a majority, all home owners may lawfully discriminate if their homes are conventionally financed.

In these 180 towns and cities, even builders may lawfully discriminate if they are selling fewer than 10 contiguously located homes which are conventionally financed.

Boston, Cambridge, Belmont, Arlington, Somerville, Chelsea, Malden, Salem, Lowell, Watertown and Lawrence are just a few of the towns and cities included in this classification.

In view of these disparities and differences in the application of the law, how is it possible for a buyer to determine whether or not he has a just complaint? How is it possible for a home owner to determine whether he can or cannot lawfully discriminate without extensive research?

The need for universal application of anti-discrimination laws in housing is quite apparent.

On February 28, 1963, at a hearing on S-350 (the housing bill) before the Joint Mercantile Affairs Committee the following spoke for the bill which had been petitioned for by the Commission (this is not a complete listing but nearly so):

James P. Lawton, Legislative Secretary to the Governor (read a statement by the Governor); Representative Freyda P. Koplow, Representative Royal L. Bolling, Senator Leslie B. Cutler, (R) proposed the bill; Lee H. Kozol, Assistant Attorney General in charge of Civil Rights Division (also assigned to represent MCAD); Sen. A. Frank Foster (D) proposed the bill; Robert E. Segal, Executive Director Jewish Community Council of Metropolitan Boston; Mrs. Mildred H. Mahoney, Chairman MCAD; Ben G. Shapiro, Commissioner MCAD; Chester N. Gibbs, Commissioner MCAD; Edward J. McCormack, Jr., former Attorney General; Representative Gerald J. Morrissey; Representative Lincoln G. Pope, Jr.; Representative Gregory B. Khachadorian; William J. White, Managing Director, Broker's Institute of Greater Boston; Maurice E. Frye, Jr., President, Rental Housing Association of Greater Boston; John W. Kunhardt, Vice President, Hunneman and Co., Greater Boston Real Estate Board—Broker's Institute; Alfred W. Halper, Realtor, representing 7 Home Builders Assoc.; Dr. Franklin Patterson, Director, Lincoln Filene Center for Civic Education, Tufts University; George Strait, Harvard University, representing Natick Fair Housing Practices Committee; Rev. Wayne Horvath, Director, Dept. of Social Relations, Mass. Council of Churches; Gerald A. Berlin, former Assistant Attorney General in charge of Civil Rights Divisions (representing the American Jewish Congress); Representative Irving Fishman (also Fair Housing Practices Committee—Newton); Clayton T. Drown, representing the Worcester Council Against Discrimination; Miss Margaret Gearan, representing Dr. Thomas Curtin, Director of Civic Education, State Dept. of Education; Earl Henderson, representing United Auto Workers; Richard Banks, 1st Vice President, NAACP; Arthur L. Singer, Jr., Asst. Dean of Social Science, M. I. T., also member of Fair Housing Inc.; Edward Richmond, Mass. Committee Against Discrimination in Housing; George B. Pettengill, Executive Director International Student Association, also Fair Housing Federation; Raymond H. Young, Attorney, representing the Americans for Democratic Action (ADA); Allan Zenowitz, Management Consultant (real estate); Julius Bernstein, Executive Secretary, Massachusetts Labor Committee for Human Rights; Mark Finer, Community Service Consultant, Anti-Defamation League of B'nai B'rith; Alan Gartner, Chairman, Greater Boston Congress of Racial Equality (CORE); J. Westbrook McPherson, Executive Director Urban League of Greater Boston. The following Fair Housing Committees were also represented: Wellesley, Arlington, Wakefield, Needham, Concord, Stoughton, Framingham, Beacon Hill and Newton.

It is significant to note that there *was no opposition*. At this hearing Assistant Attorney General Lee H. Kozol, Chairman of the Division of Civil Rights in the Attorney General's office, representing the Mass. Commission Against Discrimination in legal matters, made the following presentation:

To the Honorable Chairman and Members  
of the Mercantile Affairs Committee  
State House  
Boston 33, Massachusetts  
Gentlemen:

The principles of Senate Bill 350 need no advocates in this forum; and we need not pause here to argue the moral or ethical justification of a bill which so clearly espouses the aspirations of the Commonwealth as a whole. Rather, our purpose here will be to examine the place of the proposed legislation in the existing pattern of our fair practices law.

# I.

The basic purpose of S. 350 is not to legislate new principles of law; nor is it to extend existing principles into areas not related to those now covered by existing laws. The purpose is to perfect the existing Fair Housing Act by remedying anom-

alies which have been uncovered by experience and by extending its reach to areas which are not logically distinguishable from it.

The first and most significant change proposed is the extension of the provisions of the Act to cover all public offerings for the sale of housing, and for the leasing of accommodations other than from a resident landlord of a two-family dwelling. It is a common misconception that chapter 151B, in broad terms, now applies only to those in the real estate business. But section 1 (12) defines "contiguously located housing" to include housing which "at any time was one of ten or more lots of a tract" subject to the Subdivision Control Laws; and section 1 (10) includes within the definition of "publicly assisted housing" all housing accommodations constructed with certain forms of federal or state assistance. By proscribing discriminatory practices in the disposition of these types of accommodations, section 4 (6) impresses the restrictions of the Act on the land itself, without reference to the claim of title or the owner's privity with the developer.

Clearly there can be no rational distinctions for the purposes of the Fair Housing Laws between land subdivided pursuant to the Subdivision Control Law and land which would have been so subdivided but for the fact that the city or town had not accepted the law; or but for the fact that the subdivision was effected prior to the effective date of the law; or but for the fact that approval of the Board was not necessary under the Act. Indeed, the Subdivision Control Law was enacted for purposes entirely unrelated to the Fair Housing Laws. Certain rules and standards which are well calculated to accomplish the purposes of proper subdivision control, such as allowing the approval of the subdivision of a large tract to be done piecemeal, or allowing the subdivider to retain a private way within the tract, have no reasonable relationship to the principles of fair housing practices. It is not surprising that the incorporation by reference of the Subdivision Control Law into parts of the Fair Housing Act caused sporadic and irrational application thereof, and thus impeded the proper administration of this most sensitive area. Section 2 of S. 350 merely applies the law equally to all those similarly situated.

The second principal feature of the Bill is the inclusion within the provisions of chapter 151B of land intended for use as housing accommodations covered by the chapter. Under current law, persons covered cannot sell a "housing accommodation" on a discriminatory basis. A "housing accommodation" is essentially defined as a "building." This leaves a developer free to discriminate in the sale of land intended for residential development. By merely adopting a different form of operation from that now in current practice, a developer can frustrate the purposes of the law and subvert its effectiveness. The common practice of residential developers has been to execute with the prospective buyer of a residence a construction contract and purchase and sale agreement. The deed passes when the housing accommodation is built. This differs from the practice in commercial land development, where ordinarily title to the vacant land passes prior to or simultaneously with the execution of the construction contract. A sales of land on a deferred payment basis, coupled with a construction agreement and a commitment of the developer to bear the real estate taxes and other costs of the land until completion of the structure would circumvent the statute without altering in any way the substance of the transaction. Section 3 of S. 350, by including within the scope of the chapter, land intended for the erection of housing accommodations which are covered by the chapter after construction, merely precludes this particular form of subversion of the Act.

## II.

In addition to the specific internal inconsistencies noted above, the current exclusions of single and nonresident two-family homeowners from the coverage of the Act creates a basic conflict in the existing policies of fair practices legislation. The fundamental distinction between that which can be regulated and that which cannot or should not be regulated is not the magnitude of the transaction involved. The smallest shop as well as the biggest department store is subject to the public accommodations law. Nor is the distinction to be found in the degree of business involvement between the parties. The twenty-year mortgage, the lease for a term of years and the issuance of performance bonds are no less covered by the Act than is the cash-and-carry, isolated sale. The basic distinction is between the business transaction and the personal transaction, between the public offering and the private



offering. It is, of course, true that the exclusions of the Fair Employment and Fair Housing laws talk generally in terms of numbers rather than in terms of "confidential" or "personal" relationships. But it is perfectly clear from an examination of the entire statutory pattern of fair practices laws, that the General Court based these exclusions on easily determined, empirical standards, in order to eliminate both the bulk of those closely-knit, personal relationships which should not be regulated and also those vaguely defined "litigation clauses" which would destroy the effectiveness of the laws.

By excluding sales of all, and leasing of nonresident two-family, housing accommodations, the largest group of simple business transactions, in the residential accommodations area escape regulation, notwithstanding that they are no different generically from those transactions now covered. A nonresident landlord of a single or two-family dwelling has a relation to his tenant identical in character to that existing between an apartment house owner and his tenants. Similarly, the nature of a sale of a residence does not vary whether it is an isolated sale, or one of many sales. Indeed, in all these cases, the direct contacts between seller and buyer, or landlord and tenant, are generally minimal and often nonexistent. Frequently, the lawyers and brokers or agents handle the entire transaction, and the parties never even meet.

Senate 350 preserves the citizen's privilege to discriminate in the renting of one part of his own house, when he occupies the other. Beyond this, the business loses its personal aspects and becomes a commercial enterprise. The bill further permits a citizen to negotiate the private sale of his house to whomever he chooses. But when he uses public advertising media, the sale—even if isolated—is a business transaction no less than is that of the shopkeeper making a casual sale of goods, and subject to the public accommodation laws.

### III.

In the past, opponents of fair practices legislation perennially argued that it was unjust and unwise to "force" persons to deal with others. Their arguments having been so often rejected by legislation and courts, at least to the extent discussed above, the current trend of argument seems to involve the invocation of the supposed "rights" of tenants and neighbors indirectly affected by the law. Presumably these "rights" are to pressure the landlord or developer into leasing or selling to "acceptable" persons. Yet it is perfectly obvious that these "rights" are spurious, insubstantial, and "granted" only for the purpose of argument, to dissolve upon its conclusion. Whoever one is and wherever he goes, he cannot select his neighbors by directing the acts of others who control the leasing of other space in the apartment where he lives or the selling of adjoining property. Indeed, agreements requiring the landowner to restrict the sales or rental policies on a discriminatory basis would undoubtedly be unenforceable. See *Shelley v. Kraemer*, 344 U. S. 1.

Furthermore, this argument of the opposition ignores the real rights of the neighbors to derive the benefits of free associations and of the interplay of diverse ideas from men of differing backgrounds. If our concepts of pluralism degenerate into the philosophical acceptance of rigid castes, then this society will atrophy from ideological malnutrition.

### IV.

The constitutionality of the Bill can no longer seriously be questioned. In *Massachusetts Commission Against Discrimination v. Colangelo*, 1962, A.S. 835, the court set forth the relevant principles:

"It is only when a legislative finding cannot be supported on any rational basis of fact that reasonably can be conceived to sustain it that a court is empowered to strike it down. . . ." p. 837, quoting *Druzik v. Board of Health of Haverhill*, 324 Mass. 129, 138-39.

"The Legislature possesses a large measure of discretion to determine what the public interests require and what means should be taken to protect these interests. The field for the legitimate exercise of the police power is coextensive with the changing needs of society." p. 840, quoting *Merit Oil Company v. Director of the Div. on the Necessaries of Life*, 315 Mass. 301, 304-05.

.....

"We enumerate certain possible findings which the Legislature could have made to support valid objectives. These are not necessarily a complete list. (1) Discrimination in multiple dwelling and contiguously located housing might tend to restrict Negroes to a relatively small area and perhaps to encourage slum conditions through density of population . . . (citing cases) (2) Housing discrimination could impede the relocation of families affected by urban redevelopment programs . . . (citing cases) (3) There might be a shortage in housing from which Negroes could suffer more than other groups." pp. 840-41.

Senate 350 does not leave the legislative findings to conjecture. Section one of the Bill sets forth a number of findings, included in which are the three specifically referred to in the Colangelo case.

Although the court discussed the case primarily in the context in which it arose, as the application of a statute, "really aimed at preventing discrimination in the business of housing," p. 845, the principles set forth in the opinion clearly establish the constitutionality of S. 350.

## V.

In the almost two decades of the existence of the Massachusetts Commission Against Discrimination, its effectiveness has stemmed largely from its unique ability to promote understanding through its legally sanctioned processes of conciliation, dissemination of information and the like. The relatively few public hearings instituted by that Commission attest to its peculiar capacity to adjust differences and promote understanding between men on a noncoercive basis. The Commission is not primarily a litigious body; it is primarily a good-will agency, armed with all the powers of reason and rationality and with legal authority to resort to administration and judicial processes only when these powers are ineffective. There is an urgent necessity to expand its jurisdiction to cover the largest segment of residential housing in the Commonwealth. There are many suburban communities which consist almost entirely of single residences. These communities comprise some of our most desirable residential neighborhoods. There is no reason to believe that the great strides toward better understanding among neighbors which have been achieved by the Commission in the areas of large apartment and residential developments cannot be extended to cover all housing, when sold or rented as a commercial venture. The Bill neither changes principles of prior legislation, nor enacts new principles. It merely extends existing principles to those areas which logically should be covered. The massive public works program of the Commonwealth, with its concomitant displacement of large blocks of persons, renders these extensions imperative for the fair treatment of all citizens of the Commonwealth. The need of old, established and highly stratified communities for revitalization through the influx of new ideas renders these extensions imperative for the continued intellectual, cultural and social supremacy of the Commonwealth.

It is indeed unfortunate that S. 350 is necessary in this Commonwealth. This is the place where liberty was born; where concepts of human dignity first became viable. For many years the whole world looked to this Commonwealth for guidance and leadership in all matters of justice and fair play. The enactment of S. 350 will be significant to the revitalization of this leadership, which many believe to have been relinquished in the past half-century.

Respectfully submitted,

EDWARD W. BROOKE, *Attorney General*

By

LEE H. KOZOL, *Assistant Attorney General*

S350 became law and is hereafter referred to as Chapter 197 of the acts of 1963. It was approved April 1, 1963 and became effective July 1, 1963. It reads as follows:

*Chap. 197.* AN ACT PROVIDING THAT THE LAW RELATIVE TO UNLAWFUL DISCRIMINATION IN CONNECTION WITH THE SALE OR LEASE OF MULTIPLE DWELLING OR CONTIGUOUSLY LOCATED HOUSING ACCOMMODATIONS SHALL APPLY TO ALL HOUSING ACCOMMODATIONS OFFERED FOR SALE OR LEASE TO THE PUBLIC, EXCEPT TWO FAMILY DWELLINGS OCCUPIED IN PART BY THE OWNER.

*Be it enacted, etc., as follows:*

SECTION 1. Section 1 of chapter 151B of the General Laws is hereby amended by adding after subsection 12, added by section 1 of chapter 239 of the acts of 1959, the following subsection:—

13. The term "other covered housing accommodations" includes all housing accommodations not specifically covered under subsections 10, 11 and 12 which are directly or through an agent made generally available to the public for sale or lease or rental, by advertising in a newspaper or otherwise, by posting of a sign or signs or a notice or notices on the premises or elsewhere, by listing with a broker, or by any other means of public offering.

SECTION 2. Section 4 of said chapter 151B is hereby amended by inserting after subsection 6 the following subsection:—

7. For the owner, lessee, sublessee, real estate broker, assignee or managing agent of other covered housing accommodations or of land intended for the erection of any housing accommodation included under subsections 10, 11, 12 or 13 of section one, or other person having the right of ownership or possession or right to rent or lease, or sell, or negotiate for the sale or lease of such land or accommodations, or any agent or employee of such a person:— (a) to refuse to rent or lease or sell or negotiate for sale or lease or otherwise to deny to or withhold from any person or group of persons such accommodations or land because of the race, creed, color, national origin, or national ancestry of such person or persons; (b) to discriminate against any person because of his race, creed, color, national origin or national ancestry in the terms, conditions or privileges of such accommodations or land or the acquisition thereof, or in the furnishing of facilities and services in connection therewith; or (c) to cause to be made any written or oral inquiry or record concerning the race, creed, color, national origin or national ancestry of the person seeking to rent or lease or buy any such accommodation or land; provided, however, that this subsection shall not apply to the leasing of a single apartment or flat in a two family dwelling, the other occupancy unit of which is occupied by the owner as his residence.

*Approved April 1, 1963.*

"A Guide to the Fair Housing Law" was prepared for wide distribution and directly after the housing law became effective was distributed by members of the Advisory Council on Housing and by members of other interested groups. Over 85,000 copies have been distributed.

This guide reads as follows:

#### THE COMMONWEALTH OF MASSACHUSETTS

### A GUIDE TO THE FAIR HOUSING LAW

*Prepared For*

REAL ESTATE BROKERS, HOME BUILDERS, REAL ESTATE OWNERS, LAND DEVELOPERS  
LANDLORDS, AGENTS AND TENANTS, HOME OWNERS AND HOME BUYERS

*By*

THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION  
41 TREMONT STREET, BOSTON 8

#### PURPOSE OF THE FAIR HOUSING LAW

The prevention and elimination of discrimination, because of race, creed, color, national origin or ancestry, in the selling, renting or leasing of housing accommodations or of land intended for use as such which are made generally available to the public.

#### WHAT IS UNLAWFUL DISCRIMINATION?

When housing covered by the Fair Housing Law is made available to the public, it is unlawful:

- (1) To refuse to rent or lease or sell or negotiate for sale or lease or otherwise to deny to or withhold from any person such housing or land because of the race, creed, color, national origin or ancestry of such persons.



- (2) To discriminate against any person because of his race, creed, color, national origin or ancestry in the terms, conditions or privileges of such housing or land or the acquisition thereof, or in the furnishing of facilities and services in connection therewith.
- (3) To cause to be made any written or oral inquiry or record concerning the race, creed, color, national origin or ancestry of the person seeking to rent, lease or buy any such housing or land.
- (4) To advertise for rent or for sale such housing or land, to post a "For Rent" or "For Sale" sign or notice, or to offer or to accept a listing, which advertisement, sign or listing is intended to discriminate against any person or group of persons because of the race, creed, color, national origin or ancestry of such person or persons.

#### PROPERTY COVERED BY THE FAIR HOUSING LAW

Virtually all land and housing accommodations in the Commonwealth intended for human habitation are covered. These include residentially zoned land and house lots; single-family; two-family and three-family homes; apartment and tenement houses, multi-family dwellings and housing developments; public housing and publicly assisted housing.

The law covers resales by home owners as well as sales by those engaged in the real estate business. It includes the renting of an apartment, furnished or unfurnished, by a landlord; and the sublease of apartments by tenants.

The law excludes only the rental of an apartment in a two-family home when the other apartment is occupied by the owner as his residence.

#### A HOUSING ACCOMMODATION IS AVAILABLE TO THE PUBLIC WHEN DIRECTLY OR THROUGH AN AGENT

- (1) It is advertised in a newspaper or other media, or
- (2) a "For Rent" or "For Sale" sign or notice is posted on the property or elsewhere, or
- (3) it is listed with a broker or agent, or when
- (4) any other means of public offering is used.

#### WHO MAY NOT DISCRIMINATE?

The owner, lessee, sublessee, broker, assignee or managing agent of housing or land covered by the Fair Housing Law; or any person have the right of ownership or possession or right to rent or lease, or sell, or negotiate for the sale or lease of such land or housing; or any agent or employee of such a person; or any person in the business of granting home mortgage loans.

#### DISCRIMINATION SHOULD BE REPORTED

It is the civic duty of any person, who believes that he or she is the victim of unlawful discrimination, to report at once such act to the Commission Against Discrimination, 41 Tremont Street, Boston. Telephone CApitol 7-3111.

#### HOW MAY THE COMMISSION ASSIST VICTIMS OF DISCRIMINATION?

If the Investigating Commissioner believes after investigation that there is probable cause to credit the claim of discrimination he endeavors through conference, conciliation and persuasion to eliminate the unlawful practice. If he fails so to do, he must refer the case to the other Commissioners for a public hearing. At this public hearing a determination is made as to whether or not there has been a violation of the law. If it is determined that there has been a violation, the Commission will issue such orders as are appropriate. These orders are enforceable by the Superior Court.

#### PENALTIES FOR VIOLATORS

Any person who shall wilfully violate a final order of the Commission after its enforcement has been ordered by the Superior Court or any person who shall wilfully file a false complaint shall be punished for each offense by imprisonment for not more than one year or by a fine of not more than \$500 or by both. In addition the Board of Registry of Real Estate Brokers and Salesmen may revoke the license of a broker or salesman if he fails to comply with a final order of the Commission.

## POSTING OF COMMISSION NOTICES

A notice prepared by or approved by the Commission, and which sets forth information relating to the Fair Housing Law, shall be conspicuously displayed in real estate agencies, rental offices, model homes and model apartments, and in other places of business where negotiations or agreements are customarily made for the rental, leasing or purchasing of housing accommodations.

## PURPOSE OF THIS PAMPHLET

This publication is designed to acquaint the public with the existence and general scope of the Fair Housing Laws. It is not intended to be a comprehensive analysis of these laws. If you wish additional copies of this pamphlet for distribution or if you have any questions concerning the law, you should contact the Commission.

## PUBLIC HOUSING SURVEY STATISTICS

To permit a comparison the statistics of the non-white tenant population of the years 1961, 1962 and 1963 are recorded in this section.

## BOSTON HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families		
		1961	1962	1963
Broadway	972	14	15	15
Camden Street	72	71	71	72
Commonwealth	648	18	14	17
Faneuil	258	2	2	3
Fairmont	202	0	0	0
Archdale	288	5	4	4
Orient Heights	354	7	5	2
Gallivan Boulevard	251	0	0	1
Franklin Field	504	13	16	19
South Street	132	0	0	0
<b>TOTAL</b>	<b>3,681</b>	<b>130</b>	<b>127</b>	<b>133</b>
<b>FEDERAL PROGRAM</b>				
Charlestown	1,149	5	4	5
Mission Hill	1,023	0	1	3
Lenox Street	306	299	298	305
Orchard Park	774	179	235	267
South End	558	271	275	276
Heath Street	420	6	11	49
East Boston	414	0	0	0
Franklin Hill Avenue	375	16	15	18
Whittier Street	200	187	185	192
Washington and Beach Sts.	274	2	3	3
Mission Hill Extension	588	492	504	518
Bromley Park	732	188	196	240
Columbia Point	1,504	184	204	285
Old Harbor Village	1,016	0	0	0
Old Colony	873	2	0	0
<b>TOTAL</b>	<b>10,156</b>	<b>1,831</b>	<b>1,931</b>	<b>2,261</b>
<b>HOUSING FOR THE ELDERLY</b>				
Bickford	64	—	8	8
Jamaica Pond	44	—	0	0
Annapolis	56	—	1	1
Ashmont	54	—	0	0
Elm Hill	86	—	15	14
Franklin Field	80	—	1	2
Bay View Apartments	96	—	—	1
<b>TOTAL</b>	<b>480</b>		<b>25</b>	<b>26</b>

## BROCKTON HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families		
		1961	1962	1963
	284	10	10	9
<b>FEDERAL PROGRAM</b>	<b>100</b>	<b>7</b>	<b>8</b>	<b>9</b>

## CAMBRIDGE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families		
		1961	1962	1963
Woodrow Wilson Court	69	2	3	3
Jefferson Park	109	7	9	7
Lincoln Way	60	1	2	3
Roosevelt Towers	228	21	22	23
Jackson Gardens	46	0	0	1
Jefferson Park Extension	200	9	11	11
TOTAL	712	40	47	48
FEDERAL PROGRAM				
Washington Elms	324	38	39	51
Putnam Gardens	123	42	43	44
New Towne Court	294	14	16	21
Corcoran	152	4	5	5
TOTAL	893	98	103	121

## FALMOUTH HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families		
		1961	1962	1963
Amvets Avenue	50	5	4	2
Mayflower	24	0	0	0
TOTAL	74	5	4	2
HOUSING FOR THE ELDERLY				
Salt Sea	30	—	1	1

## HOLYOKE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families		
		1961	1962	1963
Beaudoin Village	219	1	1	4
Minnie R. Dwight Village	42	0	0	0
Edwin A. Seibel Apartments	40	0	0	0
TOTAL	301	1	1	4
FEDERAL PROGRAM				
Jackson Parkway	219	0	0	2
Lyman Terrace	167	4	4	16
Henry Toepfert Apartments	98	5	16	24
TOTAL	484	9	20	42
HOUSING FOR THE ELDERLY				
John J. Zeilinski Apartments	64	—	0	0
P. A. Coughlin Apartments	55	—	0	0
Baudry Boucher Apartments	31	—	1	1
TOTAL	150		1	1

## NEW BEDFORD HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families		
		1961	1962	1963
Parkdale	100	3	4	4
Blue Meadows	150	14	15	15
Nashmont	80	0	0	0
Crestview-Westwood (Elderly)	75	2	1	1
TOTAL	405	19	20	20
FEDERAL PROGRAM				
Bay Village	200	155	163	163
Presidential Heights	200	0	2	2
Brickwood	300	16	17	15
Westlawn	200	44	47	49
TOTAL	900	215	229	229



## PITTSFIELD HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
Wilson Park	126	0	0	0
Francis Plaza (Elderly)	40	1	1	1
Wahconah Heights (Elderly)	68	0	0	0
<b>TOTAL</b>	<b>234</b>	<b>1</b>	<b>1</b>	<b>1</b>
FEDERAL PROGRAM				
Victory Hill	99	0	0	1

## PLYMOUTH HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
Olmstead Terrace and Standish Court	40	2	3	3
Castle Hill (Elderly)	47	—	—	4
<b>TOTAL</b>	<b>87</b>	<b>2</b>	<b>3</b>	<b>7</b>

## SPRINGFIELD HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
Reed Village	200	18	32	35
Robinson Gardens	136	12	12	11
Duggan Park	196	16	20	21
Carpe Diem (Elderly)	75	1	1	1
Harry P. Hogan Apartments	32	3	3	1
<b>TOTAL</b>	<b>639</b>	<b>50</b>	<b>68</b>	<b>69</b>
FEDERAL PROGRAM				
Riverview	241	—	—	34

## WORCESTER HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
Curtis Apartments	390	5	6	11
Lakeside Apartments	204	0	0	0
George F. Booth Memorial Apartments	75	0	1	0
<b>TOTAL</b>	<b>669</b>	<b>5</b>	<b>7</b>	<b>11</b>
FEDERAL PROGRAM				
Great Brook Valley Gardens	600	19	17	22
Mayside Lane Apartments (Elderly)	50	0	0	0
Addison Streets Apartments (Elderly)	50	0	0	0
Mill Pond Lane Apartments (Elderly)	50	—	—	0
<b>TOTAL</b>	<b>750</b>	<b>19</b>	<b>17</b>	<b>22</b>

## ARLINGTON HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
Menotomy Manor	176	0	2	2
Drake Village	72	0	0	0
<b>TOTAL</b>	<b>248</b>	<b>0</b>	<b>2</b>	<b>2</b>

## BARNSTABLE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
General Patton	40	10	12	11

## BROOKLINE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
Egmont Street Development	114	0	4	1

High Street Development	117	0	1	2
Marion Street Development	60	0	0	0
<b>TOTAL</b>	<b>291</b>	<b>0</b>	<b>5</b>	<b>3</b>
<b>FEDERAL PROGRAM</b>				
Walnut Street	100	—	2	2

## CHELSEA HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of</i> <i>1961</i>	<i>Non-White</i> <i>1962</i>	<i>Families</i> <i>1963</i>
	350	0	1	0
<b>FEDERAL PROGRAM</b>	<b>200</b>	<b>1</b>	<b>2</b>	<b>1</b>

## EVERETT HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of</i> <i>1961</i>	<i>Non-White</i> <i>1962</i>	<i>Families</i> <i>1963</i>
Corbett Hill	268	17	17	17
Winthrop Road	60	3	2	2
Cherry Street	64	3	3	3
Golden Age Circle (Elderly)	40	0	0	0
Proctor Road	120	1	1	1
<b>TOTAL</b>	<b>552</b>	<b>24</b>	<b>23</b>	<b>23</b>

## FRAMINGHAM HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of</i> <i>1961</i>	<i>Non-White</i> <i>1962</i>	<i>Families</i> <i>1963</i>
	276	1	1	2
<b>FEDERAL PROGRAM</b>	<b>125</b>	<b>1</b>	<b>2</b>	<b>2</b>

## LAWRENCE HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of</i> <i>1961</i>	<i>Non-White</i> <i>1962</i>	<i>Families</i> <i>1963</i>
Stadium Courts	256	3	6	3
Hancock Courts	195	3	25	9
<b>TOTAL</b>	<b>451</b>	<b>6</b>	<b>31</b>	<b>12</b>
<b>FEDERAL PROGRAM</b>				
Merrimack Courts	292	4	3	2
Beacon Courts	208	0	1	4
<b>TOTAL</b>	<b>500</b>	<b>4</b>	<b>4</b>	<b>6</b>
<b>HOUSING FOR THE ELDERLY</b>				
Rev. James O'Reilly	83	—	0	0
Rev. C. Bertrand Bower	24	—	0	0
Msgr. Edmond D. Daly	30	—	0	0
<b>TOTAL</b>	<b>137</b>		<b>0</b>	<b>0</b>

## LOWELL HOUSING AUTHORITY

STATE PROGRAM	<i>No. of Units</i>	<i>No. of</i> <i>1961</i>	<i>Non-White</i> <i>1962</i>	<i>Families</i> <i>1963</i>
Gorham Street	292	0	1	5
Lakeview Avenue	12	0	0	0
Aiken Street	20	0	0	0
Concord Street	16	0	0	0
Hale Street	15	0	0	0
<b>TOTAL</b>	<b>355</b>	<b>0</b>	<b>1</b>	<b>5</b>
<b>FEDERAL PROGRAM</b>				
North Common Village	536	0	1	2
Chelmsford Street	165	0	0	0
Bishop Markham Village	372	3	1	6
<b>TOTAL</b>	<b>1,073</b>	<b>3</b>	<b>2</b>	<b>8</b>

## MALDEN HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
	385	1	1	8
FEDERAL PROGRAM	250	12	12	3

## MEDFORD HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
	230	2	2	3
FEDERAL PROGRAM	150	2	2	1

## REVERE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
	286	0	0	0
FEDERAL PROGRAM	149	0	0	0
HOUSING FOR THE ELDERLY	82	—	0	0

## SOMERVILLE HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
Mystic River	240	0	0	2
Clarendon Hill	216	0	0	0
Capon Court	64	1	2	1
TOTAL	520	1	2	3
FEDERAL PROGRAM				
Mystic View	216	1	0	1
Highland Garden	42	0	2	0
Prospect Hill Towers	100	—	2	1
TOTAL	358	1	4	2

## TAUNTON HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
Riverside Apartments	102	11	13	18
Highland Heights	40	2	3	3
TOTAL	142	13	16	21
FEDERAL PROGRAM				
Fairfax Gardens	150	13	13	14
Hillcrest Terrace (Elderly)	24	—	—	1
TOTAL	174	13	13	15

## WATERTOWN HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
West End	168	0	0	0
East End	60	0	0	0
Waverly Avenue (Elderly)	40	0	0	0
Total	268	0	0	0

## WEYMOUTH HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of 1961	Non-White 1962	Families 1963
	208	1	1	0



## WINTHROP HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families		
		1961	1962	1963
Edward Street	73	0	0	0
Viking Gardens	30	—	—	—
Total	103	0	0	0

## WOBURN HOUSING AUTHORITY

STATE PROGRAM	No. of Units	No. of Non-White Families		
		1961	1962	1963
Creston Avenue	68	0	0	0
Webster Avenue	60	0	0	0
Liberty Avenue	48	0	0	0
Total	176	0	0	0
FEDERAL PROGRAM				
Spring Court	100	1	1	1

Presentation of Mrs. Mildred H. Mahoney, Chairman, Massachusetts Commission Against Discrimination to the Massachusetts Advisory Committee to the United States Commission on Civil Rights—March 5, 1963.

### PRESENT LAWS AGAINST DISCRIMINATION AND THEIR ADMINISTRATION

I thank the Committee for the opportunity to be here and present my views. I often feel there is a good deal of misunderstanding about our present laws and I am delighted to have this opportunity to discuss them. It may well be that they can be improved. The Commission is at present advocating the passage of two bills that we think will improve them and we would be vain indeed if we felt our administration of the laws perfect.

As Chairman of the Massachusetts Commission Against Discrimination since 1946 I feel very privileged to have been concerned with laws so important to the full realization of justice for all. Our jurisdiction has expanded from the area of employment until it now covers employment, education, public accommodations and to a lesser degree, housing. The procedure for handling complaints is the same in every instance and to me the most important part of it is the conference period. The law provides that when a complaint is made it is assigned to one commissioner who becomes the investigating commissioner. With the assistance of a field representative he gets information about the complaint from both the complainant and respondent. When the investigating commissioner makes his decision, he may of course dismiss the complaint for lack of probable cause, but assuming he decides discrimination has taken place he asks for an equitable settlement. This settlement probably will mean that the complainant will get the job or house or whatever is necessary to correct what he has been unjustly denied.

Because the law provides for this initial period of conference, conciliation and persuasion (I quote the words of the law) it is often interpreted as being soft. On the contrary I believe the provision for this conference period makes it impossible to talk with and hopefully persuade the unconvinced—a rare opportunity because usually we talk with people who agree with us.

We have been very successful in this conference period as our case record attests. The investigating commissioner first invites the cooperation of the respondent and if he fails to get it the case is then by law referred to the other two commissioners for a public hearing.

Incidentally, during the conference period we have asked for and received compensatory damages in other than employment cases and a written promise of future cooperation is almost routine.

It is no surprise to me that all our cases except seven have been settled in the conference period. Few people in my opinion, unless enraged, would resist the polite pressure of this period in favor of a public hearing before a distinguished lawyer representing the Commission and a court stenographer performing that miracle of recording every syllable.

I am surprised that we do not receive more complaints from individuals. This surprise holds for the statistical records of all commissions.

I have always hoped that groups which have asked for surveys would first promote the application of interested individuals. I recall such a request about surveying banks, which we did, but first asked couldn't just one person be found who would apply to a bank and see what would happen. To my knowledge no one did.

This is not in any way to decry surveys and studies. When our field representatives are not busy investigating complaints of discrimination we have them make surveys and studies because we realize much good can be accomplished in that manner.

It is my belief that as important as the law itself, is the manner in which it is administered. We try very hard to be both fair and firm.

Another very wise provision in our law is the demand that the Commission carry on a two-fold duty—to administer the law and conduct an educational program. I wish I had time to outline this educational phase but it would take too long. I do want to acknowledge the great help our nine Councils give us in this educational work and the help received from many other groups as well.

## LEGISLATION RECOMMENDED BY THE COMMISSION

### THE COMMONWEALTH OF MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION,

41 TREMONT STREET, BOSTON 8, NOVEMBER 6, 1963

THE HONORABLE KEVIN H. WHITE, SECRETARY OF THE COMMONWEALTH, STATE HOUSE  
BOSTON 33, MASSACHUSETTS.

Dear Sir: In accordance with the provisions of General Laws, chapter 30, sections 33 and 33A, as amended, I have the honor to submit three bills embodying legislation recommended. These drafts have been submitted to the Counsel for the House of Representatives as required by law.

The recommendations are as follows:

1. AN ACT CHANGING THE NAME OF A COMMISSION FROM THE MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION TO THE MASSACHUSETTS COMMISSION FOR HUMAN RIGHTS.

The Commission believes that the proposed change in title will reflect more accurately than does the current title of the Commission its affirmative duties and functions within its sphere of jurisdiction. Similar commissions in other states have indicated that the proposed name enjoys popular support and promotes understanding of the function of the Commission within the community affected.

2. AN ACT MODIFYING THE POWERS OF THE COURT IN CERTAIN ACTIONS ARISING UNDER CHAPTER 151B OF THE GENERAL LAWS.

The power to issue temporary restraining orders in appropriate cases has always been considered a matter for the exercise of sound judicial discretion. The limitations on this discretion which the common law imposes have impeded the effective enforcement of the fair practices laws. The Commission believes that adequate protections against indiscriminatory issuance of temporary restraining orders is inherent in the requirement that such orders be issued only by a Justice of the Superior Court.

3. AN ACT EXEMPTING CERTAIN HOUSING ACCOMMODATIONS FROM THE PROVISIONS OF THE MASSACHUSETTS FAIR PRACTICES LAWS.

The Commission believes that the fair practices laws were not intended to apply to the leasing of housing accommodations with the household of the lessor nor does it believe that the law ought so to invade the prerogative of a householder. The proposed act will clarify the jurisdictional effectiveness of the Commission in this regard.

Respectfully submitted,

(MRS. ) MILDRED H. MAHONEY, *Chairman*

## COUNCIL ACTIVITIES—1963

Chapter 151B of the General Laws, Section 3, Paragraph 8, empowers the Commission "To create such advisory agencies and conciliation councils . . . as in its judgment will aid in effectuating the purpose of this chapter. . . . Such councils shall be composed of representative citizens serving without pay. . . ."

All Councils during 1963 devoted a large measure of their attention first to promoting S350 which when passed by the Legislature became Chapter 197 of the Acts of 1963. After its passage they assisted in spreading information concerning its coverage.

Another section of this report gives a detailed history of this most comprehensive housing law.

All Councils were also concerned with cases, investigations, and studies originating in their area and their disposition.

Since the Councils are the Commission's closest contacts and are definitely and importantly involved in its educational work it is necessary that they keep in touch with all Commission activities and stand ready to assist with advice and sponsorship. Their responsibility does not, however, extend to the processing of complaints.

### ADVISORY COUNCIL ON HOUSING

The most recently formed council—The Advisory Council on Housing has met frequently during 1963. Mr. Robert E. Segal, Chairman of the Steering Committee was appointed by the Commission as Chairman of the Council as well as Chairman of the Steering Committee. This Council, as its name indicates, is chiefly concerned with housing and played a major role in securing the passage of S350 and later in the distribution of the Housing Guide, a copy of which appears in this report. This guide is being sent out by the Board of Registration and Real Estate Brokers and Salesmen when licenses are reviewed. It has been printed in the real estate journals and in many cases accompanied by editorials. In fact, every member of the Council has helped in its distribution. Slightly under 86,000 copies have been circulated.

Some of the topics discussed at Council meetings have been:

1. Discussion of effects upon ultimate solution of fair housing problems of picketing, demonstrations, testing or sit-in tactics by private groups.
2. Legislative proposals:
  - a. Director of research
  - b. Director of education and public relations
  - c. Funds for the printing of at least one half million Housing Guides for distribution by the banking industry.
  - d. Funds for radio and TV spot announcements
  - e. Elimination of three day notice requirement in injunctive relief procedure.
  - f. Changing name of MCAD
  - g. Exemptions from coverage by chapter 197 of a family situation. Family being defined as: (a) a person occupying a dwelling and maintaining a household either alone or with not more than four boarders, roomers or lodgers; or (b) two or more persons occupying a dwelling either living together and maintaining a common household or living together and maintaining a common household with not more than four boarders, roomers or lodgers. A "boarder" "roomer" or "lodger" residing with a family means a person living within the household who pays a consideration for such residence and does not occupy such a space within the household as an incident of employment therein.

The Advisory Council on Housing advocated and urged the MCAD to withdraw f and g. The MCAD on December 20 decided to request lease to withdraw f and g.

### BERKSHIRE COUNTY COUNCIL

At a Council meeting, Mr. Fleissing, an expert on urban renewal was quoted as acknowledging his appreciation of a conference with representatives of the Council. He said it was his first experience of this type and he welcomed such interest.

The great problem that faces urban renewal is to provide low rent housing that is safe, sanitary, and decent. In the area of Pittsfield this would replace housing that has



rented for as little as \$20.00 a month. Some subsidy seems inevitable. Father Cashin, Mr. Rosenfield and Mr. Sass volunteered to serve with Mr. Hine on a committee to keep in touch with urban housing developments.

The Council felt a survey of employment in small firms might stimulate more Negro employment as these control present marginal and entrance employment. The Commission submitted a questionnaire for Council approval. The questionnaire was to be mailed out and when the replies came in it would be determined what type of follow up was advisable.

70 companies out of over 200 replied to the first mailing. The second mailing brought answers from all but 50. These 50 will be called upon by a Field Representative and in some instances Council members may assist by telephone calls or conferences. A major benefit has been the important increase in knowledge of employment law among Pittsfield area employers.

In reply to a question directed to the Council an investigation was made as to the manner in which Meroke Maids, an affiliate of Lucky Star Employment Agency, paid off their indebtedness. It was reported that they paid 40% of their first month wages (\$150.00 a month) to the employer who in turn pays the agency in order to discharge travel and incidental expenses. In addition to \$150.00 a month, board, lodging and uniforms are provided.

The Council looks forward to cooperating with the newly established housing and Employment Committees in the Berkshire Branch of the N.A.A.C.P.

In view of the age of the last survey of GE it was suggested that inquiry be made as to Negro participation in current apprenticeship training programs there and elsewhere.

#### BOSTON COUNCIL

Judge Elwood S. McKenney, who for years was a member of the Commission, enlisted the interest of the Council in suggestions, especially in one which had in mind to curb delinquency in the Roxbury area. He hoped that Boston businessmen would be able to supply part time work to young people who in turn would spend a portion of this income to outfit themselves for supervised sport—Little League activities, etc.

Mr. Hubert Connor, Director of Division of Apprenticeship Training, State Department of Labor and Industry submitted a report of the Apprentice Information Center proposed for Massachusetts, the prototype of which is located at the Bureau of Employment Security, in Washington, D. C.

The Apprentice programs, if they are to be approved by the Federal Bureau must contain the non-discriminatory clause as provided by President Kennedy's Executive Order.

The Division of Employment Security will assign personnel to the Apprentice Information Center—Aptitude testing will be given to those applying for apprenticeship.

Mr. Connor spoke of pre-apprenticeship training courses now given at Freedom House by skilled Negro mechanics.

#### CAPE COD COUNCIL

Following its usual custom the Cape Cod Council presented at its annual meeting a series of success reports indicating cooperation that had resulted in progress. Four council members reported:

Charles Jacoby of the Board of Realtors

Mrs. Lillian Olsen, Treasurer of the Hyannis Cooperative Bank

John Rosario; Mid-Cape Jay-ces

Thomas F. McKeon, Executive Secretary of the Hyannis Board of Trade

Mr. McKeon said that in the past year the Board has placed over 300 boys and girls regardless of race, color or religious creed.

Mr. Lee Kozol and Mr. Alfred Halper were guests at the meeting and stressed that it was imperative that real estate brokers all agree to abide by S350 which was to become Chapter 197.

Mrs. Ruth Williams announced that she would retire in the fall. This announcement caused the deepest regret from Council and Commission members. Her report to the group as Field Representative assigned to the Cape area was again illustrative of the fine work she has done and the close touch she has kept on all Cape activities that relate to intergroup respect and good will. She will be greatly missed.

### NEW BEDFORD COUNCIL

The New Bedford Council has been most interested in housing and employment problems. An informal study of housing opportunities for Negroes was reported at the Spring meeting. Ads for housing were checked and a telephone follow up was started. The question asked over the telephone was usually "do you object to renting to Negroes or Cape Verdeans." The results were very disappointing. Council members felt this approach would be improved upon and that a personal appearance was more desirable.

The marked interest in employment resulted in a Council request, that the Chairman appoint a Committee, not necessarily limited to Council members, but one that could contact employers and discuss with them the beneficial effects that would derive from the visible employment of more Negroes. At present many young people feel that in order to get ahead they must leave New Bedford.

The following Committee was appointed and approved by the Council:

Fermino J. Spencer, Chairman  
 John W. Campbell  
 Rev. Paul L. Moore  
 Franklin M. Nipper  
 Joseph F. Vera  
 William J. Winsper

### NORTH SHORE COUNCIL

The North Shore Council did not meet in the Spring because Chairman Kozlowski had resigned after many years of devoted service and a new Chairman had not been appointed by the Commission. During the summer, the Commission secured the acceptance of John M. Lilly, General Secretary of Lynn Y.M.C.A. and a Council member to serve as Chairman for a term, which he specified, of not more than two years. He is organizing a series of public forums on Housing, Employment and Education. The first of these open meetings will be held in February 1964 on Discrimination in Housing.

### STATE ADVISORY COUNCIL

The advice of the State Advisory Council was sought on the best means for publicizing the new housing law; on what action to take regarding a bill submitted by the Civil Service Commission to have their applications and other records exempted from the provisions of the fair employment law; what action might be taken hopefully to maintain our Boston office at 41 Tremont Street; should the Commission seek to withdraw bills H20 and H22; what would be an adequate figure to request for redecorating the office and providing for a Springfield office and finally any recommendation they might wish to make for a new position—Supervisor of Research.

### SPRINGFIELD COUNCIL

Members of the Springfield Council were chiefly interested during the year in the problem of housing and the possibility of establishing a branch office in Springfield. Such an office would be the first office set up in addition to the main office in Boston. It would mark, in a sense, a division of the State with responsibility up to Springfield in the sphere of the Boston office and from Springfield west the Springfield office would probably process most of the complaints arising in that area.

The Real Estate Association and Springfield Home Builders Association have been in touch with the Council. The Council chairman spoke to the Board of Realtors using "Property Values and Race" as a basis for his talk. He made four very telling points illustrating what is gained when the law is obeyed: it is an act of good citizenship; it is the moral thing to do; the law is complied with; it is good business because it provides a larger clientele.

### WORCESTER COUNCIL

A study of new housing being built in Worcester showed only one builder constructing ten or more contiguous units. 1,310 building permits had been issued, 379 for new home construction. After July 1 when Chapter 197 became effective all housing except a two family house in which the owner lives would come under the housing law.

The speaker's panel made up of Mrs. Daniel Farber, Miss Anna Mays and Rev. Michael P. Bafaro have had a very successful year and have spoken to at least fifteen groups at Churches, service clubs, colleges and associations of young people. Although Mrs. Farber, Miss Mays and Father Bafaro have had the most speaking engagements the members of the Council have expressed an interest that was most gratifying.

On July 1, the first day the new housing law became effective, and at the initial suggestion of the Social Action Committee of the Pilgrim Church representatives from twenty-seven groups met at the City Council Chambers to discuss the provisions of the law. The Council Chairman presided and conducted the question period. The Commission Chairman spoke on the law.

Mr. Casale and Mr. Levine of the Division of Employment Security stand ready to assist job applicants and advise on retraining opportunities. Mr. Leonard Toney of IBM has been looking for interested people to test for aptitude. A High School Diploma is not necessary but native ability is and this can be revealed by testing. Our Council members have assisted Mr. Toney.

It was suggested that the MCAD early in 1964 investigate a rumor that some hospitals insist that at least two colored girls register in Schools of Nursing.

### LIST OF COUNCIL MEMBERS

#### STATE ADVISORY COUNCIL MEMBERSHIP

John J. Desmond, Jr., *Chairman*, Former State Commissioner of Education  
 Dr. Gordon W. Allport, Professor of Psychology, Harvard University  
 Rt. Rev. Robert P. Barry, LL.D., St. Clement's Church, West Somerville  
 Clarence Q. Berger, Dean of University Planning and Development, Brandeis University  
 Charles C. Dasey, Retired Manager, Cunard White Star Line; Secretary Emeritus, Rotary Club of Boston  
 Roland B. Gittelsohn, Rabbi, Temple Israel of Boston  
 Dr. Owen B. Kiernan, Commissioner of Education, Commonwealth of Massachusetts  
 Henry M. Leen, Attorney, 31 Milk Street, Boston  
 Rt. Rev. Anson Phelps Stokes, Jr., Bishop of the Protestant Episcopal Diocese of Mass.  
 Howard Thurman, Dean, Marsh Chapel, Boston University  
 Benjamin A. Trustman, Senior Partner, Nutter, McClennen & Fish, Attorneys, 75 Federal Street, Boston

#### REGIONAL COUNCIL MEMBERSHIP

##### *Berkshire County*

Nelson F. Hine, *Chairman*  
 Bruno Aron, Proprietor, Sunnybank, Lenox  
 Samuel E. Bloomberg, Attorney at Law  
 Professor James M. Burns, Williams College  
 J. Robert Busch, President, Berkshire Hills Conference  
 Lincoln S. Cain, Attorney at Law  
 Rev. Joseph P. Cashin, Executive Director, Catholic Youth Center, 26 Melville Street, Pittsfield  
 Bruce Crane, President, Crane & Company, Inc., Dalton  
 Dennis J. Duffin, Lenox  
 David L. Gunn, Berkshire County Branch, NAACP  
 G. B. Langford, Manager of Components Engineering, Ordnance Department General Electric Company, Pittsfield  
 Albert F. Litano, Local No. 225, IUE-CIO, Pittsfield  
 Hans K. Maeder, Director, The Stockbridge School, Interlaken  
 Emil Metropole, Realtor  
 Feland A. Nevers, D.D.S.  
 William J. Nolan, Sprague Electric Company, North Adams  
 Arthur B. Phinney, Unitarian Church, Pittsfield  
 Miss L. Alberta Pierce, NAACP



Mrs. Henry N. Rollison, Pittsfield  
 Jay C. Rosenfeld, Rosenfeld's Inc., Pittsfield  
 Samuel Sass, Pittsfield  
 Rabbi Sanford D. Shanblatt, Congregation Knesses Israel, 11 Wendell Avenue,  
 Pittsfield  
 Hon. Paul A. Tamburello, United States Commissioner  
 Frank T. Walker, President, New England Regional Conference, NAACP  
 LaFayette W. Walker, NAACP, Pittsfield

### *Boston*

Robert E. Segal, *Chairman*, Executive Director, Jewish Community Council of  
 Metropolitan Boston  
 Edward J. Barshak, Attorney at Law, 73 Tremont Street, Boston  
 Gerald A. Berlin, Atty., N. E. Region American Jewish Congress, 72 Franklin St.,  
 Boston  
 Mrs. Melnea A. Cass, Boston Branch NAACP  
 George A. Coleman, President, Brokers Institute of the Greater Boston Real Estate  
 Board  
 Dr. Thomas J. Curtin, Director, Division of Civic Education, Massachusetts De-  
 partment of Education  
 Richard S. Dodd, VA & FHA Finance Manager, Campanelli Bros., Inc.  
 Bertram A. Druker, Partner in the firm of John Druker & Son  
 Maurice E. Frye, Jr., Street and Co., Inc.; President, Rental Housing Association  
 of the Greater Boston Real Estate Board  
 Alan Gartner, Chairman, Greater Boston CORE  
 Marvin E. Gilmore, Jr., Realtor  
 Reuben Goodman, Esq., 80 Federal St., Boston  
 Alfred W. Halper, Home Builder  
 Ray Hofford, Executive Vice President, Greater Boston Real Estate Board  
 Rev. Wayne W. Horvath, Director, Department of Social Relations, Massachusetts  
 Council of Churches  
 M. Jacob Joslow, Executive Director, American Jewish Congress, N. E. Region  
 Samuel Katz, Director, New England Region, American Jewish Committee  
 Mrs. Helen Kistin, Research Associate, Joint Center for Urban Studies of M.I.T.  
 and Harvard University, Chairman, Housing Advisory Research Committee  
 of the Massachusetts Committee on Discrimination in Housing  
 Sol Kolack, Executive Director, New England Office, Anti-Defamation League of  
 B'nai B'rith  
 Rabbi Samuel I. Korff, Rabbinical Court of the Associated Synagogues  
 Lee H. Kozol, Assistant Attorney General, Director, Division of Civil Rights and  
 Liberties  
 Morris Kritzman, Vice Chairman, Mass. Committee on Discrimination in Housing  
 John W. Kunhardt, Vice President, Hunneman & Co., Inc.; Director, Brokers  
 Institute  
 Luther Knight MacNair, Executive Secretary, Civil Liberties Union of Massachu-  
 setts  
 Robert McPeck, Executive Vice-President, Home Builders Association  
 J. Westbrook McPherson, ACSW, Executive Director, Urban League of Greater  
 Boston Inc.  
 Edward C. Mendler, Jr., President of Fair Housing, Inc.  
 Rev. John J. O'Brien, S.T.D., Chaplain, Catholic Interracial Council of Boston  
 Malcolm E. Peobody, Chairman, of the Governor's Advisory Committee on Civil  
 Rights  
 George B. Pettengill, Fair Housing Federation of Greater Boston  
 Myron C. Roberts, President, Greater Boston Real Estate Board, 24 School St.,  
 Boston  
 L. Robert Rolde, Representing Rental Housing Association of Greater Boston  
 Milton H. Shaw, President, Greater Boston Real Estate Board  
 Arthur L. Singer, Jr., Assistant Dean of Social Science, Massachusetts Institute of  
 Technology

Robert F. Smith, Builder  
 Mrs. Muriel S. Snowden, Co-Director, Freedom House, Inc.  
 John A. Sullivan, Executive Secretary, New England American Friends Service Committee, 130 Brattle Street, Cambridge  
 A. J. Tambone, President, A. J. Tambone, Inc., Realtors  
 Mrs. George S. Tattan, Supervisor of Social Service, Division of Immigration and Americanization  
 William J. White, Managing Director, Brokers Institute of Greater Boston Real Estate Board  
 Walter K. Winchester, Vice President, First Realty Company of Boston  
 Raymond H. Young, Attorney at Law

#### *Boston*

Carl J. Gilbert, *Chairman*, The Gillette Company, Chairman of the Board  
 Norman H. Abbott, Boston University, Director of Placement  
 Julius Bernstein, Executive Secretary, Mass. AFL-CIO, Civil Rights Committee Regional Director, Jewish Labor Committee  
 Frederic C. Church, Senior Partner, Boit, Dalton & Church  
 John V. Connolly, Business Manager, Boston Photo Engravers' Union No. 3  
 Hubert L. Connor, Director of Apprenticeship, Division of Apprentice Training Mass. Department of Labor and Industries  
 Norris G. Davis, Funeral Director, Davis Funeral Home  
 John E. Deady, Secretary-Treasurer, Boston Building and Construction Trades Council  
 William H. Eastman, Second Vice President, John Hancock Mutual Life Insurance Company  
 Stephen W. Fardy, Executive Secretary, Boston Allied Printing Trades Council  
 Harold D. Hodgkinson, Chairman, William Filene's Sons Company  
 Ernest A. Johnson, Vice President, Massachusetts Building Congress  
 James H. Mumma, Director of Personnel Administration, Raytheon Company, Lexington  
 C. K. Neilson, Vice President—Personnel, New England Telephone & Telegraph Company, 185 Franklin Street, Boston  
 Thomas A. Pappas, President, C. Pappas Company, Inc.  
 Leonard T. Peters, Executive Vice President, Peters Employment Service, Inc.  
 Sidney R. Rabb, Chairman of the Board, Stop & Shop, Inc.  
 Paul T. Rothwell, Chairman of the Board, Bay State Milling Company  
 Arthur Seserman, Executive Vice President, Boston Branch National Metal Trades Association  
 John S. Sullivan, Vice President, National Shawmut Bank of Boston, 40 Water Street, Boston  
 F. Frank Vorenberg, President, Gilchrist Company  
 Leslie E. Woods, Labor Advisor and Consultant, Raytheon Company, Lexington  
 Allan Ralph Zenowitz, Management Consultant, 37 Beacon Street, Boston

#### *Cape Cod*

Dr. Lewis Paul Todd, *Chairman*, Editor "Social Education"  
 Dr. Irving H. Bartlett, Director, Cape Cod Community College, Hyannis  
 James J. Bento, Attorney at Law  
 Harvard H. Broadbent, Superintendent of Schools, Hyannis  
 Anthony Casella, Chairman, Yarmouth School Committee  
 Moncrieff M. Cochran, Sea Pines School, Brewster  
 Norman H. Cook, Executive Secretary, Cape Cod Chamber of Commerce  
 Manuel Corey, Jr., Falmouth  
 Charles A. Coyle, Executive Secretary, Massachusetts Hotel Association  
 Rt. Rev. Leonard J. Daley, Pastor, St. Francis Xavier Church  
 Miss Eugenia Fortes, Hyannis  
 Mrs. Roma M. Freeman, Physical Education & Science Teacher, Barnstable Junior High School  
 Joseph Gomes, Osterville

Arthur C. Goode, Vice President, Retail Board of Trade, Hyannis  
 Jack Graiver, Falmouth  
 Harold L. Hayes, Jr., Attorney at Law  
 John T. Hough, Falmouth Publishing Company  
 Mrs. John T. Hough, Falmouth  
 Joseph Indio, Editor and Publisher, "Nantucket Town Crier"  
 Charles W. Jacoby, President, Cape Cod Board of Realtors  
 Allen F. Jones, Contractor, Barnstable  
 James H. Kennedy, Employment Office Manager, Mass. Division of Employment Security Plymouth  
 John C. Linehan, Principal, Barnstable Junior High School  
 Thomas F. McKeon, Executive Secretary, Hyannis Board of Trade  
 Harry S. Merson, Superintendent of Schools, Falmouth  
 Mrs. Harry S. Merson, Falmouth  
 Ben Morton, Secretary, Chamber of Commerce, Martha's Vineyard  
 Norman Nunes, Supervisor, Hood Milk Company  
 Mrs. Lillian Olson, Treasurer, Hyannis Cooperative Bank  
 John Pena, Contractor, Member State Board of Agriculture, West Falmouth  
 Mrs. John Pena, Special Policewoman, Falmouth Police Department  
 Howard Penn, Former President, Cape Cod Jaycees  
 Rabbi Jerome Pine, Cape Cod Synagogue, Hyannis  
 Thomas Roderick, Teen-Age Group coordinator, Hyannis  
 John Rosario, Member Junior Chamber of Commerce  
 Rev. Carl Foaring Schultz, D.D., The Federated Church of Hyannis  
 Miss Mary G. Shea, "Dennis-Yarmouth Register," Yarmouthport  
 Frank Simmons, Sr., Guest House owner, Falmouth  
 Warren Sperl, Assistant Treasurer, Cape and Vineyard Electric Company  
 Richard F. Tobin, Public Relations  
 Mrs. Lewis Paul Todd, Truro  
 Mrs. Helen M. Webster, Realtor, West Yarmouth  
 Harold H. Williams, Chairman, State Advisory Committee on Service to Youth  
 Ruth E. Williams, Advisory Council, Women's Division, State Department of Commerce  
 Mrs. Minna Witt, Proprietor, Admiral Hotel, Hyannis

#### *New Bedford*

Fred W. Steele, *Chairman*, Legislative Agent and Counsel for Textile Mills of Mass.  
 Mrs. Valentina N. Almeida, Princial Clerk, City Auditor's Office  
 Joseph Baldwin, Employment Manager, Division of Employment Security, New Bedford  
 Samuel Barnet, Special Justice, Third District Court of Bristol County  
 Henry A. Bartkiewicz, Attorney at Law, Secretary, Polish Relief Committee of New Bedford  
 James M. Buckley, Director of Adult Education, New Bedford Public Schools  
 George E. Carignan, International Representative, Textile Workers' Union of America AFL-CIO  
 Joaquim A. Custodio, Lancashire Corporation, New Bedford  
 Duncan A. Dottin, Social Worker, Division of Child Guardianship, New Bedford  
 Mrs. William S. Holmes, Jr., Director and Past President, Council of Women's Organizations of Greater New Bedford  
 Harold Hurwitz, Attorney at Law  
 Hyman Krivoff, President and Treasurer, Dartmouth Finishing Corporation, New Bedford  
 Miss Ruth B. McFadden, Former Superintendent of Schools, New Bedford  
 Joao R. Rocha, Newspaper Publisher and Editor, "Portuguese Daily News"  
 Marshall Sawyer, Teacher, Wareham High School  
 Fermio N. Spencer, New Bedford School Department  
 Mrs. Dorothy B. Stahre, Principal, New Bedford Public Schools  
 Joseph A. Sylvia, Jr., Register of Deeds, New Bedford



The Hon. August C. Taveira  
 Alfred R. Thackeray, Executive Secretary, New Bedford Board of Commerce  
 Mrs. Xenophon Thomas, New Bedford  
 Philip F. Tripp, Executive Director, New Bedford Housing Authority  
 William Joseph Winsper, III, Assistant Director of Guidance and Placement New Bedford High School  
 Mrs. William Wood, Secretary of New Bedford Board of Real Estate  
 Donald Zeman, Attorney at Law  
 Mrs. Anthony Zielinski, Women's Republican Club of New Bedford Executive Board  
 Rabbi Bernard H. Ziskind, Tifereth Israel Synagogue

#### *North Shore*

John M. Lilly, *Chairman*, General Secretary, Lynn YMCA  
 Alfred A. Albert, Real Estate Broker  
 Anthony Athanas, President, Hawthorne Restaurants, Lynn-Swampscott  
 Samuel P. Backman, Realtor, Chairman, Industrial Commission of Lynn  
 Mrs. Mary Finn Berlyn, Supervisor, Adult Civic Education, Lynn Public Schools  
 Louis L. Brin, Editorial Staff, The Jewish Advocate  
 S. Matthew Carrington, Sr., President of Greater Lynn Council of Churches  
 Attorney Charles Cronis, 14 Central Avenue, Lynn  
 Thomas J. Curtin, Director, Division of Civic Education, Massachusetts Department of Education  
 Mrs. Solomon M. Feldman, Jewish Community Federation  
 Peter Gamage, Publisher, "Lynn Item"  
 Abraham Glovsky, Senior Partner, Glovsky & Glovsky  
 Mrs. Charles F. Haywood, Chief Librarian, Lynn Public Library  
 Francis L. Keane, School Adjustment Counselor, Lynn Public Schools  
 Henry Kozlowski, Treasurer, Jackson & Phillips, Inc.  
 Herbert D. Marsh, President, Security Trust Company, Lynn  
 Lawrence G. McGinn, Superintendent of Schools, Lynn School Department  
 Mrs. Marcia L. Memmott, Director, Women's Division, Mass. Department of Commerce  
 Mrs. William H. Nesbit, Lynn  
 Theodore Regnante, Chairman, Board of Trustees of Lynn Public Library  
 Rev. Edgar D. Romig, Rector, St. Stephen's Episcopal Church, Lynn, President Greater Lynn Council of Churches  
 Armand J. St. Laurent, Funeral Director  
 Rabbi Steven S. Schwarzschild, Temple Beth El, Lynn  
 Rt. Rev. Cornelius T. H. Sherlock, Pastor, St. Mary's Parish, Lynn  
 Dr. William D. Washington, Lynn  
 William A. Welch, Executive Secretary-Treasurer, Mass. Association of School Superintendents

#### *Springfield*

Roger L. Putnam, *Chairman*, Chairman of the Board, Package Machinery Company  
 Mr. Richard B. Anderson, Public Affairs Committee, Community Council of Greater Springfield  
 Archie Burack, Treasurer, Industrial Buildings Corporation, Chicopee  
 John Douglas Cummings, Chairman, Minority Housing Committee, Springfield  
 Miss Clarace E. Galt, Head Psychiatric Social Worker, Child Guidance Clinic of Springfield  
 George C. Gordon, Real Estate and Insurance  
 Mrs. Richard J. Griffin, Jr., President of Civic Association Presidents  
 Miss Alice L. Halligan, Executive Secretary, Springfield Adult Education Council  
 Jewell Hodges, Real Estate Broker  
 Miss Olive K. Horrigan, Retired Director of Adult Education, Springfield School Department  
 Raymond T. King, Attorney at Law  
 Robert G. Little

Bernard H. McMahon, President, Springfield Five Cents Savings Bank  
 Mrs. Roger L. Putnam, President of Catholic Scholarship for Negroes, Inc.  
 Frederick B. Robinson, Director, Museum of Fine Arts, Springfield  
 James J. Shea, President, Milton Bradley Company  
 Charles ViVenzio, Financial Secretary, Local No. 202, AFL-CIO  
 Mrs. Malcolm C. Webber  
 Rev. D. Edward Wells, Pastor, Mount Calvary Baptist Church, Springfield

#### *Worcester*

Andrew B. Holstrom, *Chairman*, Consultant, Norton Company  
 Rev. Michael Paul Bafaro, Roman Catholic Diocese of Worcester  
 Mrs. Mary L. Boyd, NAACP Executive Board  
 Lyscom A. Bruce, Retired Executive Secretary, Community Chest and Council of Greater Worcester  
 Rev. Hubert C. Callaghan, S.J., Director, Institute of Industrial Relations, College of the Holy Cross  
 Miss S. Virginia Carrier, Executive Director, Worcester YWCA  
 Daniel J. Casale, District Superintendent, Mass. Division of Employment Security  
 Donald S. Donnelly, Chief Supervisor, Mass. Division of Employment Security  
 Clayton T. Drown, Accounting Supervisor, Norton Company  
 Mrs. Linwood M. Erskine, Member Worcester Area Committee on Aging  
 Mrs. Daniel Farber  
 The Hon. Joseph Goldberg, Central District Court, Worcester  
 Frank E. Hayes, Executive Secretary, Board of U. S. Civil Service Examiners, U. S. Post Office, Worcester  
 Dr. Ralph L. Holland, Executive Secretary, Greater Worcester Area Council of Churches  
 John B. Howarth, Acting Postmaster, Worcester  
 Dr. Howard B. Jefferson, President, Clark University, Worcester  
 Rabbi Joseph Klein, Temple Emanuel, Worcester  
 Miss Clover G. Knowlton, Chairman, Commission on Christian Social Concerns, Wesley Methodist Church  
 John S. Laws, Principal, Dix Street School, Worcester  
 Miss Anna Mays, Life member of NAACP, New England Regional Conference  
 Philip M. Morgan, President, Morgan Construction Company  
 Mrs. Stanley W. Norwood, The Bancroft School  
 Walter A. Olson, Executive Director, Family Service Organization of Worcester

### **REPRESENTATIVE SURVEYS SPONSORED BY MCAD**

The surveys listed below were conducted under the sponsorship, sometimes joint, sometimes individual, of the Commission and the regional advisory councils.

While the Commission and its staff have the responsibility of supervising such surveys throughout, the advice and assistance of the council in launching the surveys and channeling them into the appropriate public uses continue to be of inestimable value to the Commission's educational program.

A number of these surveys, though mentioned only once, represents continuing activities by the Commission. Such abiding concerns of the Commission have included surveys in public housing, resort advertising, and newspaper classified advertising.

Other studies, such as those in the metal and building trade took several years to complete, but are listed only for the years when they were installed.

- |           |  |
|-----------|--|
| 1946      | Study of classified advertisements in newspapers across the state for violation of FEP statute.  |
| 1947      | Survey of employment discrimination in the A.F.L. and C.I.O. labor organizations, as revealed by constitutions and by-laws.  |
| 1948      | First industry wide survey of employment practices of 55 business concerns, representing 10,700 employees, to determine relative numbers of minority group workers employed and job description and skills involved. |
| 1949-1950 | Survey, based on questionnaire with follow-up interviews, of 58 Boston employment agencies, to determine whether increased numbers of minority   |

group applicants, particularly Negroes, were seeking positions as a result of the FEP law, and degree of success in placing them in jobs.

Survey of employment and admissions policies of 36 hospitals in Metropolitan Boston based on questionnaire.

Surveys of employment practices in Worcester and New Bedford areas to determine number of minority group workers employed and of skills involved.

- 1950-1951 Surveys of policies of tenant selection of 84 housing authorities toward eliminating recognizable patterns of segregation in public housing.

Surveys of advertising material of 350 resort hotels, to determine use of subterfuges of language designed to thwart public accommodations statute.

Survey of newspaper classified advertisements, to determine use of limitations expressed in violation of the "age" section of the FEP law.

- 1951-1952 "Public opinion" poll on attitudes of 800 companies, labor unions and employment agencies on the effect of the FEP law on employment and the effectiveness of the MCAD as both an enforcement and educational agency.

Survey of 222 school communities on violation in teacher-application forms.

- 1952-1953 Industry-wide survey of apprentice training in the metal trades available to minority group members. 184 firms directly interviewed on "formal" "informal" and "on-the-job" apprenticeship opportunities. 50 follow-up interviews to seek intensification of existing programs.

Public opinion survey of membership of 4 minority group, civil rights agencies, to ascertain extent of awareness of discriminatory practices and willingness to report such practices to MCAD.

- 1953-1954 Initial step in an industry-wide survey of apprentice training opportunities in the building trades. 35 Boston building trade unions directly interviewed. (105 additional firms subsequently visited.)

- 1954-1955 Housing Authority surveys, to determine degree of minority group occupancy and of integration of the races.

North Shore surveys, to determine employment patterns and policies of health and welfare agencies. 95 business firms and all social agencies interviewed.

- 1956-1957 Surveys of banking, insurance and printing industries in Western Massachusetts, to determine employment patterns and policies vis-a-vis minority groups.

- 1957-1958 Surveys of placement of graduates of printing trades and of programs of Roxbury Memorial High School, Boston Trade School and Rindge Technical School, Cambridge, to determine relative success in placement of minority group graduates.

Study of placement of applicants between ages of 45-65 by employment agencies, both public and private, to explore employment patterns affecting this age group.

Survey of barber shops and beauty salons, to determine compliance with public accommodations law.

- 1958-1959 Survey of insurance application forms issued by 300 insurance companies licensed to operate in the Commonwealth, to determine extent of violations of civil rights laws.

Study of effect of pension plans upon hiring of older workers.

Survey of 85 police departments to determine extent of their knowledge of jurisdiction and operation of the MCAD.

- 1959-1960 Continued examination of application forms, to determine extent of violations with 602 employers interviewed.

Survey of admissions policies of 62 schools of Nursing with emphasis on admissions patterns for minority group members.

- 1961 Survey of 47 private housing developments, to ascertain existence of discrimination policies and extent of integration and problems encountered by minority group occupants.

Survey of distribution of Negro pupils in public schools in 6 cities, to ascertain extent of integration.

Survey of 190 department stores and retail outlets in Greater Boston, to



determine nature of employment problems of persons in the 45 to 65 age groups.

1962 Apprentice Training Survey in the Boston area, with inquiries directed to 138 unions, to determine number of Negroes currently indentured as apprentices and job skills involved.

Study in a initial step of policies and practices of 175 independent secondary schools, with 91 interviewed in 1962.

1963 Survey of approximately 216 small firms in the Pittsfield area, to determine extent of Negro employment and their job classifications.

Survey of twenty-seven Nursing Homes in Springfield regarding admission policies.

## STATISTICAL SUMMARY

November 10, 1946 to December 31, 1963

### COMPLAINTS:

Initiated and received .....	2540
Closed after formal hearing .....	8
Closed after investigation and conference .....	1407
Closed for lack of probable cause .....	865
Closed for lack of jurisdiction .....	93
Withdrawn .....	113
Pending investigation and conference .....	51
Noticed for formal hearing .....	3

### INVESTIGATIONS WITHOUT COMPLAINT:

Initiated by the Commission .....	943
Closed after investigation and conference .....	699
Closed for lack of probable cause .....	226
Transferred to complaint .....	9
Pending investigation and conference .....	9

### REGULATING AND SUPERVISING AGE AMENDMENT:

Initiated by the Commission .....	1106
Closed after investigation and conference .....	1053
Closed for lack of probable cause .....	45
Pending investigation and conference .....	8
<b>TOTAL .....</b>	<b>4589</b>

### NATURE OF COMPLAINTS AND INVESTIGATIONS:

Based upon alleged color discrimination .....	1867
Based upon alleged religious discrimination .....	391
Based upon alleged discrimination because of race .....	71
Based upon alleged discrimination because of national origin .....	472
Based upon alleged discrimination because of ancestry .....	52
Based upon alleged discrimination because of age .....	1736

### TYPE OF COMPLAINTS AND INVESTIGATIONS:

Against employers .....	3330
Against employment agencies .....	150
Against Labor unions .....	37
Others .....	67
Public Accommodations .....	386
Newspaper Advertising .....	145
Public Housing .....	17
Publicly Assisted Housing .....	28
Private Housing .....	400
Fair Educational Practices .....	29

## SUMMARY 1963

## ANNUAL REPORT MCAD

- 359 matters involving discrimination.
- 735 business concerns interviewed.
- 108 notices of violation of employment applications corrected.
- 1,153 places of public accommodation surveyed.
- 27 public housing authorities studied for tenant selection.
- 38 private housing developments studied.
- 1,146 persons visited Commission office.
- 55 speaking engagements.
- 44 conferences.
- 216 hiring and employment policy surveys in Pittsfield.
- 27 admission policy surveys in Springfield nursing homes.
- 7 indoctrination of newly opened educational institutions with provisions of fair educational practices.
- 35,000 Guides to Fair Housing pamphlets distributed in cooperation with the Board of Registration of Real Estate Brokers and Salesmen.
- 50,000 Guides to Fair Housing pamphlets distributed through other sources.